

Minutes of Previous Meetings

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 11 JANUARY 2019 AT 10.00 AM

PRESENT: Councillor T Sidgwick (Chairman), Councillors Bloxham, Brown, Christian, Collier (as substitute for Councillor Mrs Parsons), Earp (until 2:00pm), Glendinning, Graham, McDonald, Tinnion, Shepherd, and S Sidgwick (as substitute for Councillor Mrs Warwick).

ALSO

PRESENT: Councillor Betton (in his capacity as Ward Member) attended the meeting having registered a right to speak in respect of application – 18/0388 – Land adjacent Geltsdale Avenue, Durranhill Road, Carlisle, CA1 2RL.

Councillor Paton (in his capacity as Ward Member) attended the meeting having registered a right to speak in respect of application – 18/0388 – Land adjacent Geltsdale Avenue, Durranhill Road, Carlisle, CA1 2RL.

Ms Renyard – Cumbria County Council

OFFICERS: Corporate Director of Governance and Regulatory Services
Corporate Director of Economic Development
Development Manager
Building Control Services Manager
Principal Planning Officer
Planning Officer x 3

DC.004/19 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Mrs Warwick and Mrs Parsons.

DC.005/19 DECLARATIONS OF INTEREST

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

Councillor S Sidgwick declared an interest in respect of application 18/0865 – Aldi Store Limited, Petteril Bank Road, Carlisle, CA1 3AG. The interest related to objectors being known to him.

Councillor Graham declared an interest in respect of application 18/0388 – Land adjacent Geltsdale Avenue, Durranhill, Carlisle, CA1 2RL. The interest related to objectors being known to him.

Councillor Shepherd declared an interest in respect of application 18/0049 – The Grange, Craw Hall, Brampton, CA8 1TR. The interest related to the applicant being known to him.

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

- 18/0388 - Land adjacent Geltsdale Avenue, Durranhill, Carlisle, CA1 2RL. The interest related to objectors being known to him.
- 18/0742 – Land west of Longlands Head, The Stripes, Cocklakes, Cumwhinton. The interest related to objectors being known to him.

- 18/0907 – Land to the rear of 46 Broomfallen Road, Scotby, Carlisle, CA4 8DE. The interest related to objectors being known to him.
- 18/0161 – Land adjacent 5 Cromwell Crescent, Carlisle, CA3 9HN. The interest related to objectors being known to his wife.

Councillor Brown declared that she would not participate in the discussion nor determination of application 18/0742 - Land west of Longlands Head, The Stripes, Cocklakes, Cumwhinton, as she had not been a member of the Committee when the application had been considered previously.

Councillors Christian and Glendinning stated that they had not been present at the Committee's meetings of 21 November 2018 (site visits) and 23 November 2018 when the following applications had been considered:

- 18/0388 - Land adjacent Geltsdale Avenue, Durranshill, Carlisle, CA1 2RL;
- 18/0818 & 18/0819 – Taupin Skail, Ratten Row, Dalston, Carlisle, CA5 7AY;
- 18/0863 - Aldi Store Limited, Petteril Bank Road, Carlisle, CA1 3AG.

Both Members indicated that they would participate in the consideration of the applications as there had been no previous discussion on the items, and they felt they had sufficient information upon which to determine the proposals.

DC.006/19 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.007/19 MINUTES OF PREVIOUS MEETINGS

RESOLVED – 1) That the minutes of the meetings held on 10 October 2018 (site visits meeting) and 12 October 2018 be signed by the Chairman.

2) That the minutes held on 23 November 2018 and 9 January 2019 (site visits meeting) be approved.

DC.008/19 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Corporate Director of Governance and Regulatory Service 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.009/19 AGENDA

RESOLVED – That agenda items A.1 (2) and A.1(3) – Applications 18/0818 and 18/0819 – Taupin Skail, Ratten Row, Dalston, Carlisle, CA5 7AY be considered together.

DC.010/19 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) Proposed new vehicle and pedestrian entrance, Land adjacent Geltsdale Avenue, Durranhill, Carlisle, CA1 2RL (Application 18/0388).

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 9 January 2019. The proposed scheme sought permission for the construction of a vehicular access onto Durranhill Road including visibility splays and recessed gates. Further to the submitted application documents, the applicant had undertaken a Stage 1 and 2 Road Safety Audit.

Slides were displayed on screen showing; site location plan; site block plan; plan showing proposed entrance; visibility splay plans; plan showing traffic calming measures on Durranhill Road; plans of Tree Preservation Order protected trees within the site and; photographs of the site, an explanation of which was provided for the benefit of Members.

The Highway Authority had provided a detailed response which was reproduced on pages 39 to 42 of the Main Schedule. It concluded that, subject to the imposition of conditions, the proposal would be acceptable. The Planning Officer advised Members that consideration needed to be given to the request from the Highway Authority that a Stage 3 Road Safety Audit be submitted to the Local Planning Authority. An appraisal of this request was set out on pages 46 and 47. It was the Planning Officer's view that it was more appropriate for such a submission to be made to the Highway Authority who were able to participate in the Audit under the highway legislation. Furthermore, he questioned the reasonableness of imposing such a condition, which was one of the tests required by the Planning Policy Guidance.

The Planning Officer advised that the proposal would result in the loss of a protected tree, but noted the tree's removal had already been given consent which had been granted separately, outwith the planning application. In assessing the application to remove the protected tree, the Council had employed an independent consultant who identified that the tree was starting to retrench and would continue to do so, to the point that its life expectancy was less than 10 years. The consultant advised that as such, the loss of the tree and the suitable replacement planting outweighed any continued retention and protection.

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

Mr Hetherington (Objector) spoke against the proposal in the following terms: the location of the access was not safe; the access would exacerbate existing traffic safety issues on Durranhill Road; the submitted Stage 1 and 2 Road Safety Audits had not considered historic accident data relating to Durranhill Road; the existing traffic calming measures in the vicinity of the site were not effective.

Mr Hetherington stated that local residents had no understanding of the planning process, and that their concerns had been ignored.

The Development Manager advised Members that Mr Hetherington had, shortly before the meeting indicated he had slides he wished to display. Objectors were requested to submit any items for presentation to the Committee, on the Tuesday before the meeting, in this instance Officers had no prior knowledge that the objector wished to make a presentation. Given the proximity of the request to the meeting, it had not been feasible to allow it.

Councillor Betton (Ward Member) spoke against the application in the following terms: veteran trees within the site were to be felled with no mitigation proposed; the existing trees and habitat at the site would prevent the realisation of an effective visibility splay from the site; Durranhill

Road was an extremely busy and dangerous road, adding a further vehicular access point on to it would compound existing road safety matters; the submitted Stage 1 & 2 Road Safety Audit's lacked detail and were effectively an add-on to Audits carried out at another development site in the vicinity of the proposed scheme; the applicant should be required to submit the Stage 3 Audit.

Councillor Betton displayed slides on screen showing: examples of the poor traffic and pedestrian safety of Durranhill Road and associated pavements; and extracts from the Design Manual of Bridges and Roads, and data relating to accidents on Durranhill Road.

Councillor Paton (Ward Member) reiterated Mr Hetherington and Councillor Betton's concerns about the proposal's detrimental impact on road safety, and the loss of trees within the site. He questioned the need for the access, which was to enable the maintenance of the site, when, in his view the site had been maintained previously without the need for vehicular access. Councillor Paton noted that there was a substation within the site which would require ongoing maintenance, but no vehicular access was necessary for that purpose. He requested that the Committee refuse the application.

The Committee then gave consideration to the application.

A Member sought clarification that the issues detailed in the report relating to the planting scheme and the proposed gateway were separate issues.

The Planning Officer confirmed the two matters were distinct, he added that the discussion of issues relating to trees in the report was detailed due to the large proportion of objectors who had commented on that facet of the application.

The Member thanked the Officer for the clarification. In his view the proposal was not compliant with Carlisle and District Local Plan 2015 – 30 (Local Plan) policy SP 1 – Sustainable Development as the harm generated by the highway issues associated with the scheme significantly and demonstrable outweighed its benefits.

A number of Members expressed dissatisfaction with the Highway Authority's response to the application and considered that the proposed scheme was not appropriate as it would adversely impact on the safety of Durranhill Road which was a narrow, busy road. The following questions were put to Officers:

- Were cyclists and those using the road in the dark considered as part of the Stage 1 & 2 Road Safety Audits;
- Where would construction traffic associated with the scheme park;
- Was the footpath between the site and the highway to be removed or to form a dropped kerb;
- Was it policy to approve an application where a Stage 3 Road Safety Audit had not been submitted;
- Was there an alternative entrance to the site, such as that used by utilities companies servicing the substation;
- Was there a minimum distance between junctions on the highway;
- Was it possible for a tractor pulling a trailer to be able to achieve a turning circle in the site to allow it forward movement out of the proposed access;
- Was it possible to include signage on the road to advise users of the entrance to Alexandra Drive?

Ms Renyard responded that:

- Road Safety Audits assessed a number of criteria, including road layout and ability to achieve sufficient visibility splay, but did not assess the impact on individual users such as cyclists or those using the road in the dark;
- Minimum separation distances between junctions applied only to those sited on the same side of the highway. The current application was for a single access, therefore it was not considered the same as a junction;
- The Stage 3 Road Safety Audit was in process and had recommended a number of improvement works, which she understood were being priced up by a contractor;
- The pavement between the access and the highway would be made into a dropped kerb following a license application to the Highway Authority, therefore pedestrians would not be required to step on to the carriageway in the event of a vehicle exiting the site.

The Planning Officer responded that:

- Condition 10 of the proposed permission required the submission to and approval by the Local Planning Authority of “*Details showing the provision ... for vehicles to enter and leave the site in a forward direction.*”
- The location of construction traffic could be addressed by the imposition of a condition;
- Installation of signage for Alexandra Drive was not related to the application.

Considering the impact of the application on the existing trees and wildlife habitat, concerns were expressed by Members that the proposed scheme would be detrimental to the site which had amenity value in the local area. A Member proposed that the application be refused on the grounds that it was not compliant with Local Plan policy GI 3 – Biodiversity and Geodiversity.

The Development Manager advised that, as that the central issue raised by the Committee had been highway matters, policy GI 3 was not appropriate grounds on which to base refusal of the application. Earlier in the debate a Member had indicated they felt the application was not compliant with policy SP 1, he considered that was a more justified policy basis for refusing the application as it was able to encompass a range of adverse impacts.

A Member moved that the application be refused on the grounds that it was not compliant with Local Plan policy SP 1, as the proposed access would result in additional vehicle movements that would have a detrimental impact on highway safety, and the need for access had not been proven. The proposal was seconded.

A Member commented that, notwithstanding the summarised representations in the report and the objections put forward at the meeting, he did not feel that highway matters were sufficient grounds for refusing permission.

The Corporate Director of Economic Development stated that it was difficult justify refusing permission on highway matters when the Highway Authority, as Statutory Consultee, had not objected to the proposal.

The Corporate Director of Governance and Regulatory Services acknowledged Members’ concerns in relation to highway matters but noted that they were not supported by the Highway Authority. He explained that were the applicant to appeal against a refusal, the evidence the Planning Inspectorate would consider was that of the relevant Statutory Consultee. As the Committee had expressed concerns, he suggested Members consider deferring the application in order for a further independent highway assessment to be conducted and reported back to Members.

The Member who had proposed refusal on the basis of highway concerns thanked Officers for their comments, however, he felt that due to the long planning history of the site, the application ought to be determined.

The Chairman noted that a proposal to refuse the application on the grounds it was not compliant with policy SP 1 of the Local Plan had been moved and seconded. She put the proposal to the vote 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 11:15am and reconvened at 11:27am

- 2) **Single storey side and rear extension to provide kitchen and family room, erection of replacement garage, Taupin Skail, Ratten Row, Dalston, Carlisle, CA5 7AY (Application 18/0818)**
&
- 3) **Single storey side and rear extension to provide kitchen and family room, erection of replacement garage (LBC), Taupin Skail, Ratten Row, Dalston, Carlisle, CA5 7AY (Application 18/0819).**

The Development Manager submitted the report on the applications, which had been subject to site visits by the Committee on 23 November 2018.

A Conservation Specialist who had made representations on the proposal wished Members to be aware that he had done so on his own volition and had not been paid by a third party.

The report was deferred at the November meeting of the Committee in order to formally consult National Amenity Societies. Contrary to paragraph 6.29 on page 100 of the Main Schedule, the Council required to consult them on applications. Whilst no further formal response had been received, the comments from Society for the Protection of Ancient Building (SPAB) were contained within the report and had been received outwith the required notification.

The addendum report provided an update on other correspondence received after the publication of the original report.

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

The impact on the setting of the Listed Buildings had been addressed within the report, and Members had been afforded the opportunity to assess any potential impact on the character and setting during their site visit. There was a difference of opinion between Officers and objectors on the matter however on balance, the Development Manager considered that, although the proposals were of contemporary design and materials, they would not result in any demonstrable harm to the Listed Buildings or their settings.

Moreover, the increased accommodation required by the current occupiers of the property was able to be achieved without detriment to that Listed Building or the adjacent Listed Buildings. The proposals would not have a detrimental impact on the living conditions of the occupiers of neighbouring properties.

In all aspects the proposals were compliant with the objectives of the National Planning Policy Framework (NPPF), Planning Policy Guidance, Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, and Local Plan policies. In conclusion, the Development Manager recommended that the application be approved, subject to the imposition of the conditions detailed in the report.

Ms Robson (Objector) on her own behalf and on behalf of Mr Harman and Mr Messenger spoke against the application in the following terms: Taupin Skail and The Long House were both historic working buildings of particular merit, and both were Listed; both buildings were part of a very small group of clay structures surviving, relatively unchanged in their original context; the proposed extension would impact on the character of Taupin Skail and its setting, along with that of The Long House; SPAB had stated in its response that the proposal would cause harm to the building and its setting for which there was no clear and convincing justification or public benefits. Ms Robson read extracts from the SPAB response to the consultation.

Ms Robson stated that she was pleased that the Council had accepted its duty to consult with the National Amenities Society on all planning application.

Mr Wilson (Agent) responded that the proposal was not a whole or partial demolition a Listed Building, it merely sought the formation of a doorway in a sandstone wall, rather than clay dabbin section; Historic England and the Royal Institute of British Architects had stated that the proposed scheme was acceptable and followed good design principles. SPAB had been approached in July but, advising that the proposal fell outside their remit, directed the applicant to Historic England for comments; the Council's Heritage Officer and the Case Officer were both supportive of the proposal.

The Development Manager advised the Committee that in legislative terms the creation of an opening in a Listed Building constituted demolition.

As consultation responses were still anticipated from the National Amenities Society, the Development Manager recommended that authority be given to the Corporate Director of Economic Development to Issue approval for the proposal, subject to no adverse comments being received from any of the National Amenities Societies arising from their formal notification.

The Committee then gave consideration to the application.

In the context of Local Plan policy HE 3 – Listed Buildings, a Member asked: whether the dwelling was considered to be economically viable in its current form and; were “public benefits” meant for the population as a whole including the applicant, or were they aimed only at interested parties. Furthermore, the NPPF referred to “optimum viable use”, but the Local Plan did not, he asked whether the proposed extension would provide that.

The Development Manager explained that the dwelling was considered economically viable in its current form, however, its residents did not feel that it met their needs therefore they had submitted the current design proposal. Public benefits had a wider context and needed to be considered if an application were to have a significant adverse impact on the area.

In response, the Member noted that SPAB had given a clear view on the adverse impact the proposed scheme would have.

The Development Manager acknowledged that the consultee's view, he further stated that the Case Officer and Heritage Officer did not accept that view, therefore it was a matter for Members to determine.

A Member requested that the following condition be included in the permission: restriction of working hours, and a requirement for construction traffic to park within the curtilage of the dwelling.

In the event that the application was approved, the Development Manager, undertook to include those conditions in the permission.

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

RESOLVED: That authority be given to the Corporate Director of Economic Development to Issue approval for the proposal, subject to no adverse comments being received from any of the National Amenities Societies arising from their formal notification.

4) Extension to rear of existing store; reconfiguration of car parking area and additional car parking, Aldi Store Limited, Petteril Bank Road, Carlisle, CA1 3AG (Application 18/0865).

Councillor S Sidgwick, having declared an interest in the item of business, removed himself from his seat and took no part in the discussion nor determination of the application.

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 9 January 2019.

The proposed extension would provide an additional 286sqm (net) of retail sales space, additionally, the application sought to extend the car park into an area of vacant land thereby providing a further 36 car parking spaces. The refrigeration equipment was to be upgraded and repositioned; the existing parking layout reconfigured; landscaping planted; additional trolley shelters installed and; acoustic fencing will be constructed on parts of the site. The area to the rear of the store adjacent to the boundary with Cavaghan Gardens would be enclosed at either end by a 2.1 metre high weldmesh fence and gates.

Councillor Ellis-Williams (Ward Member) had previously submitted comments in response to the application, which the Planning Officer summarised for the benefit of Members.

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

The extension would measure 4.9 metres in width by 61.2 metres in length, with the plane of the roof would continue down in the existing mono-pitch form with the resulting eaves being approximately 0.6 metres lower. The extension would be 2.7 metres from the boundary.

During the course of a meeting with residents, the applicant identified that there was an issue with noise emanating from the extraction system within the existing roof. Although not directly related to the application, the Planning Officer felt it was worth noting that the applicant had sought to remedy the issue through maintenance and repair of the system.

An Addendum to the Noise Assessment had been formally submitted as part of the application. It confirmed the installation of the equipment agreed with Environmental Health Officers, who had previously indicated they were satisfied with the proposal.

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

Mr Queen (Objector) on his own behalf and on behalf of Mr Fone, spoke against the application in the following terms: concerns relating to noise disturbance, particularly during the construction phase as the adjacent properties had a mix of residents; the proximity of the proposed extension to the dwellings in Cavaghan Gardens; the additional shading which would impact on residents' ability to enjoy their gardens; local residents were strongly opposed to the scheme.

Mr Queen displayed slides on screen showing; the petition, signed by residents against the proposal; a picture of his garden showing the proximity of the existing store; a copy of a newspaper article in which he had appeared, regarding the application.

Mr Flynn (Objector) spoke against the application in the following terms: he told how he had been in the process of purchasing his property when the Aldi Store had been granted approval, but had decided to proceed as he felt there was suitable distance between the store and his property. The proposed extension would have a detrimental impact on the quality of life of himself and other residents in Cavaghan Gardens, he asked the Committee to refuse the application.

Mr Plum (Applicant) responded in the following terms: the application was for a modest extension to provide additional retail and warehouse space; the additional parking would formalise the use of vacant land adjacent to the store; several options had been considered to extend the store the one before Members was felt would have the least impact in terms of disruption, whilst being cost effective; the proposed scheme would minimise anti-social behaviour at the site; the extension would be no higher than the existing building and would cause only minimal change to the existing shadow pattern for adjacent properties.

Mr Plum noted that in developing the proposal, the applicant had undertaken consultation with the local community which had resulted in a number of changes to the scheme, including: the upgrade and repositioning of the refrigeration equipment; installation of an acoustic fence; reduction in the roof overhang at the rear of the store and; the introduction of planting to screen the site.

The Committee gave consideration to the application.

A Member felt that the structure was likely to feel imposing for the residents of the adjacent properties, he asked whether it was possible to include planting to soften the outline of the building. He further asked whether it was proposed that the bund would be levelled and who was responsible for the maintenance of the acoustic fence.

In response the Planning Officer advised that in terms of the maintenance of the fence it was a matter for the two parties involved. In relation to planting, condition 2 listed the previously submitted landscaping plan as an Approved Document. Were Members to require a different scheme, the Planning Officer advised that a condition may be imposed requiring the submission of a landscaping plan for approval by the Local Planning Authority.

Another Member suggested that shrubs of a sufficient height be incorporated into the scheme.

A Member commented that she had initially considered that the extension was too close to the adjacent properties, therefore noise disturbance may be an issue. However, she recognised the work undertaken by the applicant in response to issues and concerns raised by the local community, on that basis, she was minded to approve the application.

Responding to a question from a Member regarding noise levels at from the site, the Planning Officer directed Members' attention to paragraph 6.28 of the report, where the matter was considered. He noted that the Council's Environmental Health response had stated that the noise levels were satisfactory.

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

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

Councillor S Sidgwick resumed his seat.

5) Demolition of garage and erection of 1no. dwelling, Land adjacent 5 Cromwell Crescent, Carlisle, CA36 9NN (Application 18/0161).

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 9 January 2019.

The proposed dwelling would be split into two sections with a glass link, it had a contemporary design with some elements of the building having a flat roof, with the remaining roof being a mono-pitch sloping away from No.5 Cromwell Crescent.

The dwelling was to be constructed on a raft foundation over part of the sunken garden to the rear, the remainder of which was to be filled in. The Planning Officer reminded Members of her comments during the site visit, that the stones in the sunken garden were not part of the Roman Wall, therefore, neither Historic England nor the Historic Environment Officer for Cumbria County Council objected to the development, subject to a recording survey of the sunken garden and an archaeological watching brief.

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

The Planning Officer noted there was a difference in levels between the proposed dwelling and an adjacent property, she advised that the eaves height of the development would only project just under a metre over the garden wall with the roof sloping away.

A daylight projection analysis showed that there would be a negligible impact, of less than 0.01% on the adjacent property. In terms of sunlight there was no issue as the site lay to the north west of the adjoining property so by the time the sun dropped to the west, the existing garden wall between the two sites was already casting a shadow across No.5 Cromwell Crescent.

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

The Committee gave consideration to the application.

A Member felt it was a shame that a Victorian Garden was being lost, he asked whether it was possible to amend the working hours as follows, to minimise disruption to occupiers of neighbouring properties to: Monday – Friday 8:00am – 5:00pm, Saturday – 8:00am to 12:00pm.

The Planning Officer undertook to amend the relevant condition in the permission.

In response to a question from a Member regarding the wall at the boundary of the site which formed part of the garage wall of the adjacent property and its guttering, the Planning Officer advised that the section would be taken down and rebuilt.

A Member asked why the historical dig had been carried out at the front of the property rather than the rear, and how composite windows were permissible in the proposed dwelling which was in a Conservation Area.

The Planning Officer responded that the location of the archaeological dig had been recommended by the County Archaeologist and Historic England. In relation to the windows she advised that there were a range of designs on the street and that the proposal had been approved by the Council's Heritage Officer and the Conservation Area Advisory Committee.

The Development Manager added that buildings in Conservation Areas were permitted to have composite windows, in the case of the application, the windows proposed were to be a of thinner profile than standard composite windows.

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

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

The Committee adjourned at 12:50pm and reconvened at 1:30pm

6) Erection of 2no. detached dwellings (Outline), Land west of Longlands Head, The Stripes, Cocklakes, Cumwhinton (Application 18/0742).

Councillor Brown removed herself from her seat and took no part in the discussion nor determination of the application.

The Principal Planning Officer submitted the report on the application which had been deferred from the October 2018 meeting of the Committee in order for an independent engineer's report on previous mine workings in the area and their potential implications on the proposed development to be compiled and submitted.

Slides were displayed on screen showing; red line boundary plan, site layout plan, plan showing formerly mined area, and photographs of the site, an explanation of which was provided for the benefit of Members.

Bingham Yates Ltd (BYL) had been commissioned to produce the engineer's report, it in turn commissioned Arc Environmental Limited (ARC) to undertake a gypsum mining risk assessment for the application site. The full report was reproduced on pages 179 to 195 of the Main Schedule, it concluded that the risk of future instability due to mining extraction was negligible. Accordingly, there should be no significant detrimental effects in relation to the proposed development.

ARC recommended that a stiffened/reinforced raft foundation be provided, which Bingham Yates reaffirmed as sensible mitigation against any possible unchartered activities which could be present. Therefore condition 20 had been added to the permission requiring details of the proposed foundations be submitted for approval in writing by the Local Planning Authority.

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

The Committee gave consideration to the application.

A number of Members commented that they were disappointed by the independent engineer's report, which they felt lacked detail and relied on historical data provided by British Gypsum, the mine operator.

The Principal Planning Officer responded that the report did contain historical data as that was the information needed to make an assessment of the site in terms of ground working levels.

With reference to page 183 of the Main Schedule, a Member noted that Plot 2 was thought to be undermined. Gypsum was a soluble material, and water was pumped out from the site on a bi-weekly basis. The reports from British Gypsum dated from 1966 – 68, therefore 50 years of washing away of Gypsum had occurred, consequently, the situation underneath the site was not certain. There had been instances, in the surrounding area, of dwellings sinking as a result of former Gypsum mine workings in the area.

Another Member expressed concern that the gypsum pillars forming supporting structures had been eroded over time and were no longer in sufficient condition to continue supporting their loads going forward.

The Principal Planning Officer advised that as a result of the former mine workings being so deep, circa 90 metres underground, along with the installation of a raft foundation surface movement at the site as unlikely. He further noted that the Committee had permitted other, larger developments to take place in the surrounding area on sites where undermining had taken place.

A Member asked why the engineer who produced the report had not conducted their own tests at the site.

The Building Control Services Manager outlined the process of assessing former mining sites, the first stage of which was a desktop assessment, the outcome of which determined whether a second stage of investigation was needed. The engineer's report identified that the ground under the site was composed of 10m of granular soil and 80m of rock head which was supported by pillars. Therefore, the theoretical risk of surface movement was minimal.

The engineer had recommended the use of a raft foundation as it would spread the load of the proposed dwellings more uniformly, thereby taking up any local depressions and reducing the likelihood of potential movement in the structure.

The Building Control Services Manager advised that the procedure undertaken in producing the engineer's report was in-line with standard industry practice.

A Member thanked the Officer for his comments, stating that given the depth of the workings and the inclusion of a raft foundation he was reassured that the former mine workings posed a

minimal risk to the proposed development. He moved the Officer's recommendation, which was seconded.

Another Member commented that the use of information from British Gypsum was appropriate as it was the best information relating to the site. He noted that the engineer's report also made reference to a borehole investigation carried out in the Geological Survey. He asked whether it was known if that testing had occurred within the application site.

The Building Control Services Manager advised that, given the information provided by the engineer, it was difficult to give a reassurance on that point. However, seams of Gypsum formed horizontal strata, so it was reasonable to concur that the topography of the site was similarly composed, additionally, there was no indication that the seams were at varying depths under the application site.

A Member commented that the borehole investigation had taken place in 1983, twenty years after a property built over the former mine workings had sunk. He stated that he was not comfortable to approve the application without borehole testing being carried out at the site.

The Building Control Services Manager reiterated that the engineer had produced the report in line with current best practice and concluded that the risk to the proposed scheme was minimal, and had recommended the use of a raft foundation as additional mitigation against ground movement. It was a matter for the building designer to ensure that their design complied with current Building Regulations, having due regard to the ground conditions.

The Chairman noted that a proposal to approve the application had been proposed and seconded, she put the matter to the vote and it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

Councillor Brown resumed her seat.

DC.011/19 STANDING ORDERS

During consideration of the above item, it was moved, seconded and **RESOLVED** that Council Procedure Rule 9, in relation to the duration of meetings be suspended in order that the meeting could continue over the time limit of 3 hours.

7) Erection of 2no. detached dwellings, The Grange, Craw Hall, Brampton, CA8 1TR (Application 18/0049).

The Planning Officer submitted the report on the application which sought permission for two detached properties within the grounds of The Grange. The properties would be located parallel with the boundary of the site adjacent to Craw Hall and separated by a band of trees. A detached single garage would be constructed adjacent to the north-west gable of each building.

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

In overall terms, the principle of housing development had previously been approved within the curtilage of The Grange and the development of the site remained acceptable under the provisions of the NPPF and Local Plan policies. The development took into account the

topography of the land and would not adversely affect the character or appearance of the locality or wider views of the site within the Brampton Conservation Area or wider views of The Grange as an important building in its own right within the locality.

Approval of the current application would comprise part of a previously approved Plot 1 rendering that unviable and meaning that the overall number of dwellings within the site, together with the previous application would be three.

The scale, layout and design of the properties took account of the built form and vernacular of the buildings in the locality. The development would not adversely affect the living conditions of the occupiers of any of the neighbouring properties.

Subject to the imposition of conditions, the proposal did not raise any highway or drainage issues. The trees would be adequately safeguarded during development and in all aspects the proposal was considered to be compliant with the objectives of the relevant national and local plan policies. Accordingly, the Principal Planning Officer recommended that the application be approved, subject to the imposition of the conditions detailed in the report.

A Member requested that the standard condition, restricting working hours at the site be added to the consent.

The Planning Officer responded that, due to the site being in the same ownership, he had not felt it necessary to include such a condition when preparing the report, however, he undertook to incorporate the condition into the Consent.

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

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

Councillor Earp left the meeting at 2:00pm

8) Replacement of existing pole with short (7.5m) lattice tower to continue to support internet access for local businesses and residential users, Land at Hespek Raise, Castle Carrock Fell, Brampton (Application 18/0572).

The Principal Planning Officer submitted the report on the application which sought planning permission for the replacement of an existing 7.5m high mast, which had been granted a temporary five-year consent in January 2013, with a 7.5m high lattice tower.

Slides were displayed on screen showing; site overview plan, antennae layout plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The current mast provided internet access to more than 160 homes and businesses, along with a facility for emergency services communication, whereas the proposed lattice tower would provide internet access to approximately 300 homes and businesses.

The Principal Planning Officer advised that the tower would have an adverse visual impact on the North Pennine Area of Outstanding Natural Beauty (AONB), which needed to be weighed against the benefits that the proposal would bring, on balance, he considered that the benefits of the proposal outweighed the harm.

The Parish Council had not objected to the mast, but it requested that it be given another temporary 5 year consent. The previous mast had been given a temporary consent to establish whether there was a demand for the services it provided. The Principal Planning Officer stated that sufficient demand had been demonstrated, therefore, he considered it appropriate to grant a permanent permission. On that basis, he recommended that the application be approved, subject to the imposition of the conditions detailed in the report.

A Member indicated that he supported the Parish Council's contention that permission should be granted for another, temporary five year period.

The Principal Planning Officer reiterated his reasoning for recommending a permanent permission for the tower, he noted that condition 4 of the proposed permission stipulated that were the tower no longer required, it must be removed from site within a month.

The Member asked who was responsible for overseeing the use of the tower.

The Development Manager explained that use would be monitored by the applicant, which was an industry wide practice. He further noted that a number of towers and masts in the district had been moved previously to ensure they were located in areas where the services were used.

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

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

9) Change of Use of former agricultural land to form car park, Land Adjacent the former Tarn End Hotel, Talkin, Carlisle, CA8 1LS (Application 18/0573).

The Development Manager submitted the report on the application which proposed a change of use of land to provide a car park on land opposite the former Tarn End Hotel. Permission had been granted for conversion of the former hotel and works had commenced. The scheme proposed the provision of a car park for occupiers and visitors of the new development as well as a more general used public car park.

The initial application had contained a strip of highway verge on either side of the highway for the location of bollards in order to deal with an ongoing problem of cars parking on the verge churning up the ground and potentially causing obstruction. Following an objection by the Highway Authority the proposal was revised with the bollards excluded.

Slides were displayed on screen showing; location plan, car park plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The revised scheme remained subject of objections and the Parish Council had expressed concern over the scale of the car park and the potential for the scheme to push the parking problem elsewhere.

In terms of scale, the site was fairly level and had been used for parking for a number of years, although larger than the open area from a couple of years ago the site sat in a hollow in the landscape, therefore, views of the site were very localised with minimal impact on longer range views. The proposed public car park would be operated on a charging basis and managed by the landowner. The intention was to offer alternative parking arrangements with a direct link to the public footpath around the Tarn.

The Development Manager advised that the revised scheme had overcome the Highway Authority's objections through the removal of any works or parking spaces within the highway. The resultant scheme was policy compliant and the Development Manager recommended that the application be approved, subject to the imposition of the conditions detailed in the report.

The Committee then gave consideration to the application.

Members discussed the ongoing parking problems in the area of the application site, specifically, the parking of vehicles on the highway verge.

The Development Manager advised that the applicant was involved in ongoing discussion with the Highway Authority and local Cumbria County Council Member regarding the parking issues in the area of the site.

A Member asked who would receive the monies raised from that fees levied at the car park.

The Development Manager explained that the car park would be operated on a commercial basis, therefore the monies would go to the developer however, the applicant had not provided details of the charges that would be levied to use the facility.

In response to a question from a Member regarding the potential impact of the scheme on the Council's Pay and Display car park at Talkin Tarn, the Corporate Director of Governance and Regulatory Services stated that: the Committee's role in determining the application was to consider the proposed land use, the potential impact on the Council's car park was not a material planning consideration.

A Member expressed support for the scheme as he felt it would provide for good and safe car parking facilities. He noted that the site had been subject of a previous permission for parking provision related to the development of the former Tarn End Hotel, he sought confirmation that the site area was the same size.

The Development Manager confirmed that the site of the current scheme was slightly larger than that which had previously received Planning Consent.

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

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

10) Change Of Use of byre and sunroom to enable the keeping of up to 100no. rescue cats (Part Retrospective), Kershope Lodge, Kershope Foot, Penton, Carlisle, CA6 5QL (Application 18/0766).

A Member stated that there were a number of issues identified in the summary of representations (detailed in the report) about which he was concerned. Accordingly, he moved that determination of the application be deferred in order for the Committee to undertake a site visit. The proposal was seconded.

The Planning Officer acknowledged that it was Members' prerogative to defer the application, however, he advised that the applicant had confirmed access to the buildings would not be permitted as it was likely to cause the animals distress, therefore he felt that a site visit would be of limited use to the Committee.

The Member asked whether, in seeking to determine an application, the Committee had an overriding right to enter the site and relevant buildings.

The Development Manager explained that were it relevant for the Committee to enter the buildings, it would have the authority to do so. However, given that the applicant's reason for had declining access, he did not feel it was appropriate for the Committee to seek to enter the buildings.

With reference to Local Plan policy SP 9 – Healthy and Thriving Communities, a Member asked whether a Health Impact Assessment was necessary for the application.

The Development Manager advised that Health Impact Assessments ordinarily pertained to human health and were only required for large scale developments.

Another Member considered that the Officer's report provided sufficient information for the Committee to determine the application, he indicated that he did not support the proposal to undertake a site visit.

The Corporate Director of Economic Development suggested that Members hear the Officer's presentation of the application before deciding whether they felt a site visit was necessary.

The Planning Officer submitted the report on the application which sought planning permission for the use of the byre attached to the property to be used to accommodate cats. The building had been converted to provide an internal living area, storage, food and washing area together with an enclosed external area constructed with a timber framed and wire mesh structure. To the rear of the property, it was proposed to convert the existing conservatory to provide a second internal living area that would also be extended with a timber framed and wire mesh structure.

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

The applicant planned to relocate the existing rescued cats to the property, but was not intending to continue with her charity, therefore, the principle of the change of use of the building was acceptable. The proposed physical alterations were of an appropriate scale and appearance and would not be obtrusive within the context of the character and appearance of the area. Given the physical relationship of the property with neighbouring dwellings together with the intended use, the Planning Officer considered that the proposal would not adversely affect the residential amenity of the occupiers of neighbouring properties.

Adequate provision would be made for the disposal of foul water and collection of waste which would controlled through a combination of separate legislations, Planning Conditions, and an Advisory Note. No highway or biodiversity issues were raised by the application and in all aspects the proposal was considered to be compliant with the objectives of the relevant Local Plan policies. Accordingly, the Planning Officer recommended that the application be approved, subject to the imposition of the conditions detailed in the report.

A Member proposed that determination of the application be deferred in order to allow the Committee to undertake a site visit. The proposal was seconded and put to the vote. The number of votes for and against the proposal being equal, the Chairman exercised her casting vote, and it was:

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

11) Erection of 2no. dwellings and associated infrastructure (Revised Application), Land to the rear of Broomfallen Road, Scotby, Carlisle, CA4 8DE (Application 18/0907).

The Development Manager submitted the report on the application and reminded Members that the Committee had visited the site previously when an application for 5 dwellings was considered. That application had been refused primarily on the grounds of unacceptable scale relating to the number of dwellings but also the site had been extended further up the adjacent land which was outside this proposal.

Slides were displayed on screen showing; existing block plan; landscaping plan; house plan and elevations; site sections and; photographs of the site, an explanation of which was provided for the benefit of Members.

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

The Committee then gave consideration to the application.

A Member recalled that during consideration of the earlier application for the site, an objector had addressed Committee, he asked whether those objections had been resubmitted in connection with the current application.

The Development Manager advised that the current proposal had not generated the same level of objections as the previous application.

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

Another Member indicated his support for the proposal but sought clarification on the following matters: whether a condition was included to manage surface water drainage from the site on to the adjacent highway and; whether the pavement adjacent to the site, which had been broken up was required to be returned to its original state.

The Development Manager responded that condition 3 of the proposed consent required the submission to and approval of by the Local Planning Authority of a surface water drainage plan.

In respect of the pavement, the Development Manager advised that the Highway Authority would have made a record of the pavement at the beginning of the works and would ensure that it was returned to the condition it had been recorded at.

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

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

12) Erection of single storey side and rear extension to provide kitchen/dayroom to rear and utility, W.C. and hall to side (Revised application), 14 Vestaneum, Crosby on Eden, Carlisle, CA6 4PN (Application 18/0923).

The Planning Officer submitted the report on the application which comprised a proposal for a dual pitched brick built side extension with materials matching the host building and a more contemporary flat roof rear extension with zinc cladding to its elevations. The application was a resubmission of a scheme which had been refused permission by Officers in 2018, under delegated authority. The earlier scheme had proposed an entirely flat roofed wraparound extension with zinc cladding, and was subject of an appeal with the Planning Inspectorate.

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

The refused development would have been much more prominent in the street scene due to the form and design of the single storey side element that proposal was considered harmful to the character and appearance of the street where the predominant facing material was red brick and the roofscape dominated by pitched roofs.

The current scheme offered a more sympathetic form of development and was a substantial improvement on the previously refused scheme. By offering a side extension with a pitched roof and matching materials the proposal would be compatible with the established character and appearance of the area and offered a design solution that respected the form and appearance of the host property. On that basis, the Planning Officer recommended that the application be approved, subject to the imposition of the conditions detailed in the report.

A Member requested further detail on the Parish Council's objection to the proposal and how its concerns had been considered.

The Planning Officer directed the Committee's attention to paragraph 6.28 of the report where the matter was discussed.

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

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

13) Erection of 1no. polytunnel and 2no. timber sheds, Gosling Sike Farm, Houghton Road, Houghton, Carlisle, CA3 0LD (Application 18/0985).

The Principal Planning Officer submitted the report on the application which sought permission for the erection of a polytunnel and two timber sheds on land to the south-east of the car park at the Cumbria Wildlife Trust Visitor Centre/Offices.

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

The Principal Planning Officer explained that the applicant intended to use the proposed facilities to grow wildlife plugs which would be used for habitat restoration and creation at sites across Cumbria. The proposed structures were small scale and would largely be screened by existing hedges at the site. The applicant had secured Heritage Lottery Funding to undertake the proposed work, and young and disadvantaged people would be offered the opportunity to take part in activities at the nursey.

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

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

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

DC.011/19 SCHEDULE B

RESOLVED - That the applications referred to under the Schedule of Applications under B be noted.

DC.012/19 CHANGES TO AFFORDABLE PROVISION AT LANSDOWNE CLOSE

The Principal Planning Officer submitted report ED.01/19 which detailed proposals to amend the Section 106 Legal Agreement in relation to affordable housing provision at Lansdowne Close. He outlined the planning history of the site which had culminated in permission being given for 19 dwellings at the site, subject to a Section 106 Legal Agreement which included the provision of two, four bed houses being made available to MENCAP at a 30% discounted rate and two being offered as affordable discounted sale dwellings on the open market.

In April 2018, at the request of MENCAP, the affordable housing provision had been amended by the Committee to: one dwelling for MENCAP; 3 dwellings to be sold at 30% discount and; a cash payment of £27,000. MENCAP had subsequently advised that it no longer wanted any houses on the development, additionally, the Council's Affordable Housing Policy had changed, therefore, the development need only provide 3 affordable units. Consequently, the Principal Planning Officer proposed that the affordable housing contribution be amended as per the report recommendation.

The Council's Housing Development Officer had agreed the proposal, and in the event of there being no interest from Housing Associations then all three affordable units would be sold at a 30% discount.

In conclusion, the Principal Planning Officer recommended that the Section 106 Agreement in relation to Affordable Housing contribution at Lansdowne Close be amended to provide: two dwellings being made available for affordable rent and one dwelling being made available at 30% discount.

A Member commented that he hoped a Housing Association would be interested in taking over the affordable rental property.

The Principal Planning Officer understood that the Housing Development Officer was in discussion with a Housing Association.

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

RESOLVED – That the Section 106 Agreement in relation to Affordable Housing contribution at Lansdowne Close be amended to provide: two dwellings being made available for affordable rent and one dwelling being made available at 30% discount.

[The meeting closed at 2:49pm]