

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 19 JULY 2013 AT 10.00 AM

PRESENT: Councillor Scarborough (Chairman), Councillors Bloxham, Mrs Bradley, Craig, Graham, McDevitt, Nedved (as substitute for Councillor Earp), Mrs Parsons, Mrs Prest, Mrs Riddle, Mrs Warwick and Whalen

ALSO

PRESENT: Councillor Allison attended the meeting as Ward Councillor in respect of applications 12/0692 and 13/0207 (Land at Morton bounded by Wigton Road, Peter Lane and Dalston Road, Carlisle, Cumbria)

Councillor Collier attended the meeting as Ward Councillor in respect of application 13/0323 (Orton Park Farm, Orton Park, Carlisle)

Councillor Layden attended the meeting as Ward Councillor in respect of application 13/0318 (Land adjacent North House, Ruleholme, Irthington)

OFFICERS: Director of Governance
Development Manager
Principal Planning Officer
Planning Officers (SD, SE, RM, BP, ST)

DC.56/13 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Earp

DC.57/13 DECLARATIONS OF INTEREST

Councillor Bloxham declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0331 (Land to the north east of Scaurbank Wood, Longtown, Cumbria). The interest related to the fact that the applicant was known to him.

Councillor Craig declared an interest in accordance with the Council's Code of Conduct in respect of applications 13/0323 (Orton Park Farm, Orton Park, Carlisle, CA6 6JU) and 13/0392 (Dalston Caravan Park, Dalston, Carlisle, CA5 7JX). The interest related to the fact that he was in attendance when the applications were discussed by Dalston Parish Council.

Councillor Mrs Parsons declared a registrable interest in accordance with the Council's Code of Conduct in respect of application 13/0323 (Orton Park Farm, Orton Park, Carlisle, CA5 6JU). The interest related to the fact that a member of her family was mentioned in the report.

Councillor Mrs Prest declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0331 (land to the north east of Scaurbank Wood, Longtown, Carlisle). The interest related to the fact that the applicant was known to her.

DC.58/13 MINUTES OF PREVIOUS MEETINGS

The minutes of the meetings held on 17 April 2013 and 19 April 2013, and 5 June 2013 were signed by the Chairman as a correct record of the meetings.

The minutes of the site visits held on 17 July 2013 were noted.

Councillor Bloxham advised that as he had been unable to attend the site visits on 17 July 2013, he had attended the site visit to land to the North East of Scaurbank Wood, Longtown, Cumbria (Application 13/0331) with one of the Planning Officers the following day.

DC.59/13 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

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

DC.60/13 CONTROL OF DEVELOPMENT AND ADVERTISING

RESOLVED – That the applications referred to in the Schedule of Applications under A, B, C and D be approved/refused/deferred, subject to the conditions as set out in the Schedule of Decisions attached to these Minutes.

(1) Formation of slurry lagoon, land to the North East of Scaurbank Wood, Longtown, Cumbria (Application 13/0331)

The Planning Officer submitted the report on the application which had been the subject of a site visit on 17 July 2013. The Planning Officer outlined for Members the background to the application, the proposal and site details, together with the main issues for consideration. The application had been advertised by means of two site notices. In response seventeen letters of objection and a petition containing 232 signatures against the proposal had been received. The Planning Officer summarised the issues raised therein.

The Planning Officer explained that a number of additional objections had been received late in the application process following the publication of the main schedule and the supplementary schedule. Those documents raised a number of issues and, in light of those, it was recommended that consideration of the application be deferred to allow Officers time to consider the objections and to bring the application back before Members at a later date.

A Member stated that the item should be deferred to allow professional advice to be sought in relation to comments made by Dr Bell. The Member added that it would also be useful to have a hydrology report.

A Member wished to seek confirmation that the ground would be impermeable as the report stated that the ground would be made up of sand, gravel and clay which would not be impermeable.

RESOLVED – That consideration of the application be deferred to allow Officers to further assess issues raised by third parties and to await a further report on the application to a future meeting of the Committee.

(2) Erection of 2no wind turbines 86.45m to tip height, 60m hub height and associated infrastructure, Orton Park Farm, Orton Park, Carlisle, CA5 6JU (Application 13/0323)

The Planning Officer submitted the report on the application which had been the subject of a site visit on 17 July 2013. The Planning Officer outlined for Members the proposal and site details, together with the main issues for consideration. The application had been advertised by means of a site notice and notification letters sent to neighbouring properties. In response 25 letters of objection and 25 letters of support had been received and the Planning Officer summarised the issues raised therein. The Planning Officer advised that there was an error in the report and that paragraph 3.3 should read "...2no 800kw wind turbines....."

The Planning Officer presented slides and photomontages of the proposed site. The maps indicated the sites of all turbines currently approved and also those that were currently at appeal where a decision was awaited. The photomontages showed the existing turbines from various views and the same views with the additional turbines. The applicant had confirmed that due to the different ground levels the difference in height between the proposed turbines and the existing turbine would be negligible with one turbine being 6m taller than the existing and the other 10m taller.

The Planning Officer advised that the proposal was in accordance with the overall objectives of Government energy policy. The benefits included effective protection of the environment through the reduction of greenhouse gas emissions and the prudent use of natural resources by reducing reliance on fossil fuels. Those benefits were of significant weight.

The proposal involved the erection of two turbines at Orton Park Farm. National planning policy promoted targets for renewable energy and looked to Local Authorities to support proposals for renewable energy developments which did not have unacceptable impacts. Taking account of the scale and technical specifications of the proposal, as well as the levels of screening from nearby properties, the existing turbines, along with the electricity pylons adjacent to the site, it was considered that the turbines would not have a detrimental effect on the character of the landscape or cause unacceptable harm to the living conditions of neighbouring residents.

It was considered that the proposed development accorded with the provisions of the Carlisle District Local Plan 2001-2016 and, as there were no material considerations which indicated that it should be determined to the contrary, it would be determined in accordance with the Local Plan and, as such, was recommended for approval, subject to the imposition of appropriate conditions.

Mrs Woods (Objector) reminded Members that the original application for the existing turbine was reduced from two turbines to one; one being stated as sufficient to service local businesses and the surplus being put into the National Grid. Days after that turbine had been erected the present application was published. Mrs Woods believed that the applicant was using the argument that the landscape was already compromised by the existing turbine and therefore two more did not constitute a significant change.

Local Plan CP8 dealt with renewable energy and required that there was no unacceptable visual impact on the immediate and wider landscape. The proposed wind turbines would result in a cumulative impact on the area and the applicant's Visual Impact Assessment

listed 17 points where the impact was measured as major or major/moderate and considered significant.

Within 4km from the site there were eight existing turbines with five consented and 6 more proposed. That would make a total of nineteen turbines in the area and constituted industrialisation of the rural landscape. Mrs Wood stated that the primary driver for the development was not green energy but the financial gain for the landowner and outlined the income expected from the type of turbine proposed.

Mrs Woods stated that no reference was made to the significant carbon footprint of the lorries full of concrete required for the base of the turbines and the tonnes of aggregate required for the road access. Mrs Woods believed that the Parish of Orton had done more than enough with regard to hosting wind turbines.

Mr Pattinson (Objector) raised objections on grounds of size, noise and flicker. The proposed turbines would generate 4 kWh and would be 60 feet higher than the existing turbine. However, due to the topography of the land the proposed turbines would not appear as high. The proposed turbines were of industrial medium size rather than utility size as stated in the Supplementary Planning Document.

With regard to noise Mr Pattinson stated that ETSU-R-95 assessment for assessing turbines had not been undertaken. Mr Pattinson had contacted the Council on 14 May 2013 requesting guidance on the matter but had received no reply. He had contacted the Council again on 4 June 2013 and advised that a full noise assessment should have been undertaken and stated that the cumulative noise generated would be higher than the statutory 42 decibels at Orton Grange Cottages.

Mr Pattinson believed that the report was misleading in respect of flicker and that at the height of summer the A595 would be affected to varying degrees.

Councillor Collier (Ward Councillor) stated that he was against the proposal as the residents of Great Orton had had enough of wind turbines. The Ward Councillor queried why there were so many applications for wind turbines in Great Orton. The only positive reason for the proposal was that it was to be run by local businessmen. At a recent public meeting there was a unanimous feeling that people did not want another wind turbine in the area.

Mr Gray (Agent) stated that he was speaking on behalf of a small group of businesses, including his own, who were in support of the application. Mr Gray explained that a lot of effort had been invested in the proposal and he had spoken to many of the neighbours and thanked them for their time. Mr Gray presented a slide to Members that indicated an area of 4sq kilometres and showed the existing and proposed turbines. Twenty two of the properties highlighted supported the proposal and only one objected. Mr Gray believed that that indicated a level of local support. There had been 138 letters of support and only 31 against which was broadly in keeping with national statistics.

Most of the objections were on material planning grounds and had been considered by the Planning Officer and the statutory consultees as proven by the fact that the recommendation was for approval.

Of all of the objections the visual and landscape were the most subjective and emotive and therefore a full assessment was commissioned from an independent chartered landscape architect. His findings were that the impacts were acceptable against standard criteria.

Mr Gray advised that there would be little or no noise from the proposed turbine as modern gearless turbines would be used and the aerodynamic swoosh as the blades passed the tower would be inaudible from any of the neighbouring dwellings. Mr Gray stated that the requirements of the Council's Environmental Health Officer had been met and ETSU regulations which were relevant to the turbines were outside planning considerations. However those regulations would be addressed.

The main difference between the current proposal and others in the area was that the current proposal was the first to be funded locally and not by large, multi-national organisations. The application was aimed at producing clean energy but was also a business venture run by a cooperative of local business people who had contributed over many years to the local economy through employment and trade.

It was clear from the support of local residents and as well as from the Planning Officer and consultees that the application complied with relevant policies and guidelines and therefore requested that Members approve the application.

The Committee then gave consideration to the application.

A Member was concerned that another application for wind turbines on the site had been submitted and was concerned that more could be submitted in the future. One of the merits of the proposal was that it was community led. The Member sympathised with the Ward Councillor but could find no reason to refuse the application on planning grounds.

A Member stated that the Committee had refused applications for wind turbines in the past and that each was treated on its individual merits. Having been in attendance on the site visit the Member could see no reason to refuse the application on planning grounds and therefore moved that the application be approved.

A Member who had worked in the construction industry for many years highlighted how dangerous concrete could be. He asked for an assurance that the concrete would be removed in due course. The Member was concerned that many people wished to erect wind turbines in the area around Great Orton and as there was no valid reason to refuse the application the Member reluctantly supported the proposal.

A Member who was Ward Councillor for the neighbouring Parish advised that he was not aware of any objections from the Parish. On the site visit Members were driven all around the area and the Member noted that the existing turbine could not be seen from 90% of the surrounding area. The Member was also pleased that measures had been taken to ensure that the turbine would blend in with the surrounding landscape by the use of colour banding. The Member stated that he had read through all of the correspondence related to the application and as a result supported the proposal and seconded approval of the application.

A Member advised that when he had first seen the application he had some reservations. However he had noted the separation distances between the turbines and that the proposed turbines would be in a dip in the landscape and that the project was community based. He believed that in the case of the current application the benefits outweighed the negatives.

The Development Manager advised that a condition was included that required the removal of the concrete and the reinstatement of the land at the end of the 25 year period.

If the project ceased to operate before that time, a condition was imposed that would cover the removal of the concrete at that time.

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

- (3) Development of land at South Morton bounded by Wigton Road, Peter Lane and Dalston Road, Carlisle for residential (maximum 825 dwellings), employment (40,000m² floorspace), and public open space purposes as well as associated works (Reserved Matters for infrastructure development including vehicular access, drainage, services and landscaping pursuant to outline permission 09/0413), land at Morton bounded by Wigton Road, Peter Lane and Dalston Road, Carlisle, Cumbria (Application 12/0692)**

The Principal Planning Officer submitted the report on the application and outlined for Members the background to the application, the proposal and site details, together with the main issues for consideration. The application had been advertised by means of press and site notices and the direct notification of 144 neighbouring properties. The Principal Planning Officer summarised the issues raised therein.

The Principal Planning Officer reminded Members that in November 2010 outline permission had been granted for residential, employment and open space development on the site subject to a Section 106 Agreement and relevant conditions. The current applications sought approval of Reserved Matters for infrastructure development and the submission of information to discharge several conditions which were outlined by the Principal Planning Officer.

The Principal Planning Officer outlined two further applications relating to the same site namely 13/0207 regarding reserved matters for Phase 1A works and 13/0583 regarding the installation of a rising main (sewage) pipeline.

Further to the report the Principal Planning Officer advised that further correspondence had been received from the agent and the solicitors acting on behalf of the applicant. The Principal Planning Officer read out the solicitor's letter which stated that:

- "Carlisle City Council has granted outline planning permission for the development. Reserved matters applications have been submitted.
- It is well established in case law that a planning authority is not in a position to refuse applications for reserved matters on grounds which go to the principle of the development for which outline planning permission has been secured.
- The off-site traffic impacts of the development are clearly a matter of principle. Those impacts were considered and addressed at the time of the outline planning application during the eighteen month determination period. Accordingly such impacts cannot now form a reason for refusal of the applications or a reason to delay their determination.
- The impact of the development on Dalston Road/Peter Lane was a matter to be considered and determined at the time of the outline planning application. The discussions resulted in the grant of outline planning permission subject to conditions and a section 106 agreement. The planning authority cannot now seek to revise or derogate from that decision by imposing conditions relating to the junction on a reserved matters approval whether pursuant to the current applications or future reserved matters applications or seeking relation section 106 obligations.

- Therefore any concerns that might now exist about the future performance of the junction at Dalston Road/Peter Lane:
 - are not material to the determination of the applications,
 - provide no basis for the imposition of conditions on consents granted pursuant to the applications or for the seeking of section 106 obligations in connection with the applications, and
 - provide no basis for refusal of the applications or delay of their determination.
- The same applies to the determination of any future reserved matters applications for the development submitted under the outline planning permission.”

The Principal Planning Officer explained the agent’s letter reiterated the contents of the solicitor’s letter with regard to any concerns that may now exist about the future performance of the junction at Dalston Road/Peter Lane and stated clearly that such concerns:

- “are not material to the determination of the application,
- provide no basis for the imposition of conditions on consents granted pursuant to the applications or for the seeking of section 106 obligations in connection with the applications, and
- provide no basis for refusal of the applications or delay of their determination.”

The letter also noted that the application was recommended for approval “pending the awaited comments from” the Highways Authority relating to bus gate details. The bus gate details were submitted on 31 October 2012. It had taken seven months for County Highways to respond saying that they needed an amendment to the design to meet their specifications. The engineers designing the bus gate submitted alternative designs to County Highways in mid June 2013 to meet their specifications and were still awaiting confirmation of the acceptability of those designs.

Further correspondence had also been received from the Highways Authority that explained that they had received a query regarding what section of the Caldew cycle track a sum of £100,000 identified in the section 106 agreement as a “Pedestrian Connectivity Contribution” was earmarked to be spent on. Although not directly relevant the County Council had confirmed that the contribution was for the section of the Caldew cycle path south from where the currently adopted section ended (near the weir) south to the point where the connecting track that runs between the cemetery and Pirelli joined it and thence improving that track to the prospective point over Dalston Road. All of that was to be upgraded to a 3m surface drained and lit cycle paths (the crossing point back to the estate spine road junction was to be covered under a Section 278 agreement).

The Highways Authority had also highlighted that the stopping up of a public bridleway and the proposed replacement route needed to be part of the current application and also application 13/0207 which was to be considered next on the agenda.

The Highways Authority had also explained that they wanted the bus gate to be clearly identified as not being for ordinary traffic. However, the requested changes did not involve additional land nor a different route.

The Principal Planning Officer presented slides showing various stages of the proposed development and an overview of main roads and the secondary network and diversion to the bridleway. The slides also indicated major routes through the development and the position of the bus gate. The question of connectivity to the local primary school would be dealt with as part of Phase 2 of the development. A further slide indicated that there would be 2 SUDS ponds in the centre of the development and to the east.

The Principal Planning Officer recommended approval of the application in relation to the discharge of requirements regarding the main elements of site infrastructure (namely access, drainage, servicing arrangements and the landscape scheme), and the submission of information to discharge conditions 8 (part), 10, 15 (part), 21, 23 (part), 26 (part), 28 (part), 29 (part) and 30 (part) attached to the outline planning consent to develop the site.

Councillor Allison (Ward Councillor) advised that he was speaking in respect of the current application and the one to follow on the agenda. He advised that he had no objection to the applications in principle. The Ward Councillor reminded Members that the application submitted in 2012 was for 825 houses and a superstore. Since then, as part of a presentation by Tesco, the number of houses had increased to around 892 and the store would be larger than indicated in the original application. Together with other new builds it was expected that there would be approximately 1600 new homes, mostly on Cummersdale Grange. Despite that, and the additional traffic along Peter Lane as a result of the CNDR, there was still no consideration for a roundabout at the junction of Peter Lane and Dalston Road. The Parish Council had undertaken a traffic survey at the junction which had been submitted to the Highways Authority. The Ward Councillor requested that the figures be included in the investigation and report with projections on future traffic growth on the Morton development, which may justify reconsideration of the Parish Council's request for a roundabout.

In respect of application 13/0207, Councillor Allison noted that the number of houses and the superstore floorspace remained as in the original application which was at odds with information provided at the presentation by Tesco. The Parish Council were disappointed that a scheme of such vast capital receipts for the developer as well as the City and County Councils, had produced nothing for the Parish of Cummersdale when much of the scheme was at Cummersdale Grange. The Parish Council had submitted a list of community benefit schemes appropriate to the Section 106 Agreements and it appeared that rural wards were less successful than urban wards in securing Section 106 agreements for communities. Councillor Allison believed that could be due to rural wards being dispersed across a number of parishes.

Ms Mackay (Agent) stated that the parameters for the application for reserved matters were set by the outline approval in 2010. The current application was an overarching application that provided greater detail on the core infrastructure. The application would assist the City and County Councils, as well as the Church Commissioners, on the way forward in a coordinated and robust manner while being implemented by a number of house builders and developers.

Issues had been raised about traffic pressures at the junction of Peter Lane and Dalston Road. The original South Morton traffic assessment was reviewed in great detail by the County Council and approved by them as part of the outline application. The Principal Planning Officer had stated in his report that it would not be justifiable to require anything further of the applicant in that regard. Any increase in base traffic due to the CNDR and any consequent pressure on the transport network must be dealt with by the Highways Authority.

The letter from the applicant's solicitor had stated that it was well established in case law that a planning authority was not in a position to refuse or impose conditions on applications for reserved matters on grounds which to go the principle of the development for which outline permission had already been secured. The off-site traffic impacts were

clearly a matter of principle. Any concerns that may exist about the future performance at the junction were not material to the determination of the applications, provided no basis for the imposition of conditions on those consents or any further Section 106 obligations, and provided no basis for refusal of the applications or delay in their determination. The scheme would provide a high quality gateway and create a balanced community with housing and a mix of open space, leisure facilities and employment to meet the needs of people of differing ages, interests and income levels.

The Committee then gave consideration to the application.

A Member moved the Principal Planning Officer's recommendation for approval and believed that it had been clearly explained what was being asked of the Committee. However, The Member did not agree with some comments made by the Ward Councillor.

A Member was concerned that issues had been identified that indicated that traffic could worsen in the future. He believed that there was a need for a roundabout at the junction of Peter Lane and Dalston Road but the Committee had been advised by the agent and the applicant's solicitor that the Committee could not do anything about the matter. The Member was concerned that at some point in the future the City Council would be required to fund a roundabout that could be dealt with under the current application.

The Director of Governance advised that the Church Commissioners were in a position where they wished to promote the application and were therefore stating case law. The Committee had previously considered and determined the application for outline permission and in doing so had taken account of the available traffic assessment at that time. The Church Commissioners now wished to rely on that decision as they were entitled to do. The highways information which had subsequently arisen would be taken into account by the Highways Authority when formulating future strategy at the relevant junction.

A Member stated that when the application was first submitted he had spoken with officers in the Highways Authority with regard to costs etc and had queried whether money was available to bring the section of cycle track from Dalston to Holmehead Weir up to an adoptable standard. The Principal Planning Officer had advised that that had been allowed for. The Member requested clarity over time as the present application did not cover the whole of the cycleway in the area. Any costs or delays would need to be funded by the City Council but Members and Officers needed to look to the future and take matters into consideration. Carlisle was designated as a Healthy City and the County Council had a responsibility to provide access for all into the City.

A Member was concerned that there had been no mention of the potential impact upon the hospital particularly in light of recent comments in the press. The Member wished to see the hospital being run appropriately before further development of the area was undertaken.

In response to a query the Principal Planning Officer clarified the construction and delivery of a primary school in Phase 2 of the development. The Principal Planning Officer confirmed that, in response to an earlier comment, there had been no increase in the number of housing units proposed.

A Member reminded the Committee that it had been stated that a traffic survey had been undertaken but that it was submitted too late to be used. The Member confirmed that she

used the route on a regular basis and stated that there had been an increase in traffic in the area as a result of the CNDR.

The Principal Planning Officer invited Mr Hayward from the Highways Authority to respond to comments about the highway.

Mr Hayward confirmed that the outline application, which included road layouts, had been considered by the Committee and approved. He had visited the junction of Peter Lane and Dalston Road around 8:00am and was surprised at the amount of traffic using the junction. When the outline application was submitted the CNDR had not been built. He acknowledged that there had been an increase in traffic turning right from Peter Lane onto Dalston Road and also traffic turning right from Carlisle onto Peter Lane. The report stated that there may be problems by 2030 and Mr Hayward believed that there could be numerous changes in traffic movement by then. Mr Hayward explained how traffic figures were calculated and advised that there were no issues regarding functionality at the present time. There was no scope for a roundabout at the present time and the applicants did not own the land that would be required. The Development Control Committee had also approved another application for a development at that junction.

With regard to queuing traffic at the junction Mr Hayward advised that there were no plans for a roundabout at the present time but if the situation worsened by 2030 there may be the possibility of a lay-by slip road. Mr Hayward stated that, with regard to the Section 106 Agreement, some of the money could be used for the Dalston Road/Peter Lane junction. Turning lanes would be provided at the junction between the estate road and Cummersdale Road.

Mr Hayward explained that, with regard to the cycle/pedestrian connectivity, funds in the Section 106 Agreement could be used. Mr Hayward outlined the route that the cycle path would take and confirmed that there would be lighting and drainage and that the cycle path would be tarmaced and that the route would connect to the estate. The stretch of cycle path that joined the Caldew cycleway would not be lit as it was not adopted by the County Council. The access ramp off Castle Way on the cycleway from Denton Holme to the viaduct had been funded by monies from the Sainsbury's development.

Mr Hayward had been advised that a new school would have its own catchment area and the primary school would feed into the Morton West Academy so there was no justification for a contribution for development of the cycleway from the development to Dalston.

Following a vote it was unanimously:

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

- (4) Development of land at South Morton bounded by Wigton Road, Peter Lane and Dalston Road, Carlisle for residential (maximum 825 dwellings), employment (40,000m² floorspace), and public open space purposes as well as associated works (Reserved Matters for Phase 1a works comprising site drainage network, construction of foul pumping station with associated access, construction of a section of spine road and demolition of Cummersdale Grange Farm complex, and information submitted to part discharge conditions 3 (Parameter Plans), 8 (Highway works), 13 (Programme of archaeological work), 15 (scheme for site contamination), 22 (Hedgerows), 23 (landscaping), 27 (details of earthworks), 28 (surface water drainage) and**

29 (foul drainage) pursuant to Outline Permission 09/0413), land at Morton bounded by Wigton Road, Peter Lane and Dalston Road, Carlisle, Cumbria (Application 13/0207)

The Principal Planning Officer submitted the report on the application and outlined for Members the background to the application, the proposal and site details, together with the main issues for consideration. The application had been advertised by means of press and site notices and the direct notification of 144 neighbouring properties. The Principal Planning Officer summarised the issues raised therein.

The Principal Planning Officer explained that, further to the update in respect of the previous item, Members were aware of the further correspondence from the agent and the applicant's solicitor. The comments made regarding any concerns over the adequacy of the Dalston Road/Peter Lane junction still held with regard to the current application. Furthermore the agent had noted that in the case of the current application the recommendation was for approval pending comments from the Environment Agency on detailed site investigation information. The letter from the agent stated that the Environment Agency had a holding objection in relation to the part-discharge of Condition 15 which merely related to being provided with a copy of a Site Investigation report. The agent understood that report had now been provided to them by the Case Officer. In any case that report was previously available to the Environment Agency as part of application 12/0692 which they were consulted on in August 2012. The Environment Agency had had ample time to consider the initial and further information submitted to them but no comments had been received to date.

The Principal Planning Officer recommended that authority to issue approval of the application be granted to the Director of Economic Development pending the awaited comments from the Environment Agency regarding the discharge of condition 15, the provisional recommendation was for approval in relation to the discharge of requirements for the detailed particulars of the proposed development for Phase 1A works, and the submission of information to discharge conditions 3 (part), 8 (part), 13 (part), 15 (part), 22 (part), 23 (part), 27 (part), 28 (part) and 29 (part) attached to the outline planning consent to develop the site.

RESOLVED – That authority to issue approval for the proposal be granted to the Director of Economic Development subject to no objections being received from the Environment Agency with regard to the Site Investigation report.

(5) Installation of rising main (sewage) pipeline to connect to adjacent South Morton development site with regard to provision of foul drainage network, land to the west of Dalston Road and north of Cummersdale Grange Farm, Carlisle, Cumbria (Application 13/0283)

The Principal Planning Officer submitted the report on the application and outlined for Members the background to the application, the proposal and site details, together with the main issues for consideration. The Principal Planning Officer advised that the application had been advertised by means of press and site notices and the direct notification of the occupiers of 38 neighbouring properties. At the time of preparing the report no comments had been received.

The Principal Planning Officer explained that the application related to an area of land outwith the original application but which was affected by the sewer connection. With regard to the adequacy of the proposed rising main, United Utilities had not raised any

objections to the submitted details. Therefore the Principal Planning Officer recommended approval of the application.

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

(6) Variation of Condition 3 of previously approved Permission 12/0085 to extend the opening hours from 12pm to 4am Monday to Sunday and variation of Condition 5 to allow the use of Preston and Thomas 2 pan chips range, 5 Botchergate, Carlisle, CA1 1QP (Application 13/0235)

The Planning Officer submitted the report on the application and outlined for Members the background to the application, a summary of the application, the proposal and site details, together with the main issues for consideration. The Planning Officer advised that the application had been advertised by means of site and press notices as well as notification letters sent to two neighbouring properties. In response, five letters of objection, a petition signed by 35 people and five letters of support had been received. The Planning Officer summarised the issues raised therein.

The Planning Officer presented slides showing the location of the shop unit and surrounding premises, the junction and nearby takeaway premises. He reminded Members that permission was granted for the use of the premises as a takeaway in May 2012. Conditions added to the consent were:

- required details of flue/extractor
- restricted to use of Henny Penny fryers
- opening hours restricted to 6:00pm to 4:00am Monday to Saturday and from 4:00pm to 4:00am on Sunday.

The unit had opened without discharging those conditions which led to complaints about smell and noise. The premises closed and had since changed hands. The new owner wished to open a fish and chip shop, open during the day, and had applied for a variation of the conditions. The new owner had discharged the condition on the existing consent in relation to the flue and Environmental Health had confirmed that the proposed flue would be acceptable for the proposed fish and chip shop use.

The Highways Authority had objected to the unit being open all day and were concerned about people pulling up on the highway to collect fish and chips. The Planning Officer advised that there were double yellow lines outside the premises; therefore if people did stop outside that would be a traffic enforcement issue.

The Planning Officer explained that the variation to Condition 3 to allow the premises to open from 12:00 noon to 4:00am and the variation of Condition 5 to allow the use of a Preston and Thomas 2 fish and chip pan range in the premises would be acceptable. Therefore the Planning Officer recommended approval of the application.

Mr Smith (Objector) advised that he owned a nearby bar and was speaking on behalf of other businesses who had objected to the application. Mr Smith stated that the main objection was parking. Double yellow lines were in place and there was a loading bay on the Crescent. However they were usually full of pizza delivery vehicles which made unloading difficult, a situation which would be exacerbated if the application was approved. Mr Smith had also raised objections in relation to noise, odours and public nuisance. The Highways Authority had stated that it was not a suitable location and whilst the officers

from Environmental Health had wanted a reduction in odour emissions and noise nothing had been done. Mr Smith had objected but had been told that nothing could be done.

Mr Smith was worried about the extraction unit and had been advised by the Environmental Health Officers that they could not give him permission to access the building to see the extractor unit working. Mr Smith had written to the manufacturers of the extractor unit to enquire which other properties used that type of extractor unit. He had had no reply to his enquiry. Mr Smith believed that 85% of the odours would escape through the vent and that there would be a lot of noise. An extractor unit at the rear of a different unit was often greased up which left grease stains on the wall of his premises.

Mr Greig (Agent) reminded Members that the Planning Officer had explained the consent for a takeaway had already been given. The current application was to vary the opening hours to enable the premises to open between 12:00noon and 6:00pm. That would be in addition to the hours already approved. The takeaway was prevented from opening during the day at the request of the Highways Authority as they were concerned that customers may park on the highway, thereby restricting the free flow of traffic. Circular 11/95 made it clear that conditions should only be imposed where they were necessary. Conditions that duplicated the effect of other controls were considered to be unnecessary. As there were already parking restrictions in front of the premises it was therefore unnecessary to impose a condition.

The objectors had expressed several concerns many of which related to the principle of the siting of a takeaway in the location and were not specifically related to the applicant's request to vary the opening hours. With regard to highway issues Mr Greig advised that restrictions were already in place and permission for the extractor unit had already been given. Therefore Mr Grieg suggested that in the absence of any conflict with the Council's planning policies that the application be approved.

The Committee then gave consideration to the application.

A Member queried whether the fire officers had been consulted and if so had any objections been raised.

The Planning Officer advised that the applicant had met with a fire officer who had provided details of the extractor and fire damper. Therefore in the Planning Officer's view that condition had been discharged.

The Ward Councillor for the area stated that he had concerns regarding the highway but acknowledged that those concerns were not for the Development Control Committee. The biggest problem in the area was the pizza delivery vehicles and the issues around parking were not being dealt with by the relevant authorities. Whilst he agreed with the objectors the Member could find no planning reason to refuse the application.

A Member moved the Officer's recommendation for approval of the application. However the Member was concerned about the parking issues and advised that the double yellow lines would stop the problem if enforced. The Member requested that in moving approval of the application that something be done about the potential problem with litter.

The Planning Officer advised that he could speak with the applicant about litter and inform him that the issue had been raised by the Committee. The Planning Officer confirmed that there was a license agreement for the premises currently in place but it may need to be amended.

A Member seconded approval of the application. He was disappointed by the lack of enforcement in respect of litter and stated that additional funding to provide additional litter bins could be one way to resolve the issue.

A Member stated that with regard to enforcement of the double yellow lines he believed that the City and County Councils needed to work together to ensure the regulations were enforced.

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

(7) Erection of 1no dwelling, land adjacent North House, Ruleholme, Irthington, CA6 4NQ (Application 13/0318)

The Planning Officer submitted the report on the application and outlined for Members the proposal and site details, together with the main issues for consideration. The Planning Officer advised that the application had been advertised by means of the direct notification of four neighbouring properties. In response one e-mail of objection had been received. The Planning Officer outlined the main issues raised therein.

The Planning Officer advised that Park Barns was not identified in the Local Plan as a sustainable location. As Members were aware, the development should be considered against Local Plan policies. However, the Council's Local Plan, in respect of the issue of housing, could not be considered to be up to date under the National Planning Policy Framework. The National Planning Policy Framework advocated that to promote sustainable development in rural areas, housing should be located where it would enhance or maintain the vitality of rural communities, for example, where there were groups of smaller settlements, development in one village may support services in a village nearby.

Park Barns was not considered to be a village or a settlement but was simply a cluster of dwellings on what was a former farmsteading, approximately two miles south west of Brampton along the A689 with no pedestrian footway. Given the rural nature of the district, there were many farmsteadings which were similar to the Park Barns complex. Whilst each application was dealt with on its own merits, there were concerns about the sustainability of development if new dwellings were to be developed in relation to farmsteadings without a justified need.

The Planning Officer presented slides showing the plan of the site and the site of the proposed dwelling.

In that context, the site was detached from Brampton and located within the countryside for which no justification had been demonstrated. The National Planning Policy Framework provided clear and unquestionable policy guidance in determining such applications and accordingly, the Planning Officer recommended that the application be refused.

The Committee then gave consideration to the application.

Members agreed, that in view of several issues that had been raised, that consideration of the application be deferred to allow a site visit be undertaken.

The Chairman advised the Ward Councillor who had registered a right to speak that he could speak at the meeting or reserve his right to speak until the report was presented to a future meeting of the Committee. The Ward Councillor confirmed that he would speak at a future meeting.

RESOLVED – That consideration of the application be deferred to allow a site visit to be undertaken and to await a further report of the application at a future meeting.

(8) Five year temporary change of use of paddock area to community garden, land adjacent Millfield House, Craw Hall, Brampton, CA8 1TN (Application 13/0359)

The Planning Officer submitted the report on the application and outlined for Members the proposal and site details, together with the main issues for consideration. The Planning Officer advised that the application had been advertised by means of site and press notices as well as notification letters sent to two neighbouring properties. In response, four letters of objection and twelve letters of support had been received and the Planning Officer summarised the main issues raised therein.

The Planning Officer presented slides of the site that had been taken two to three weeks previously.

The Planning Officer advised that in overall terms the proposal was acceptable in principle. The proposal would not have an adverse impact on the Brampton Conservation Area or on the living conditions of the occupiers of any neighbouring properties. In all aspects, the proposals were considered to be compliant with the objectives of the relevant adopted Local Plan policies. Therefore the Planning Officer recommended approval of the application.

The Committee then gave consideration to the application.

Members agreed that consideration of the application be deferred to allow a site visit to be undertaken.

RESOLVED – That consideration of the application be deferred to allow a site visit to be undertaken and to await a further report of the application at a future meeting.

(9) Conversion of 2no cottages into 1no dwelling including two storey side and rear extension to provide additional accommodation, 1-2 Island Cottages, Lanercost, Brampton, Cumbria, CA8 2HN (Application 13/0363)

The Planning Officer submitted the report on the application and outlined for Members the proposal and site details, together with the main issues for consideration. The Planning Officer advised that the application had been advertised by means of notification letters sent to six residential properties. In response two letters/e-mails of objection and one e-mail raising comments have been received. The Planning Officer outlined the issues raised therein.

The Planning Officer advised that the proposal related to numbers 1 and 2 Island Cottages which were part of a terrace of four properties. The proposal sought the conversion of the cottages into one dwelling as well as extensions to the side and rear.

The occupier of the attached property, number 3 Island Cottages, had objected to the proposed development in terms of loss of light and impact on living conditions. The Planning Officer presented slides of the site and the neighbouring property.

Since publication of the report the Parish Council had confirmed that it had no further comments to their previous representations.

The Planning Officer explained that in overall terms, the scale and design of the proposed extensions were acceptable in relation to the dwellings and would not form a discordant feature within the street scene. The proposal did not adversely affect the living conditions of adjacent properties by poor design, overlooking and unreasonable loss of daylight or sunlight. Furthermore, the proposal did not have an adverse impact upon highway safety or biodiversity. In all aspects the proposal was compliant with the objectives of the relevant Development Plan Policies and therefore the Planning Officer recommended approval of the application.

The Committee then gave consideration to the application.

It was moved and seconded that the application be approved.

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

(10) Raising of roof to provide first floor accommodation comprising 1no en-suite bedroom, 2no bedrooms and bathroom, together with reconfiguration of ground floor accommodation, erection of detached garage (Revised/Part Retrospective Application), Sunnyside, Moorhouse Road, Moorhouse, Carlisle, Cumbria, CA5 6EJ (Application 13/0370)

The Planning Officer submitted the report on the application and outlined the proposal and site details together with the main issues for consideration. The Planning Officer explained that the application had been brought before the Committee as one of the applicants was employed by the City Council. The application had been advertised by means of a site notice and a notification letter had been sent to 1 neighbouring property. No verbal or written representations had been received during the consultation period.

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

The Committee then gave consideration to the application.

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

(11) Change of use of children's play area to provide extension to existing caravan park to form 38no additional stances for holiday use, Dalston Hall Caravan Park, Dalston, Carlisle, CA5 7JX (Application 13/0392)

The Planning Officer submitted the report on the application and outlined the proposal and site details, together with the main issues for consideration. The application had been

advertised by means of the direct notification of the occupiers of three of the neighbouring properties and the posting of a site notice. In response one e-mail of comment and a petition of support had been received and the Planning Officer summarised the issues raised therein.

The Planning Officer presented a slide of the plan contained within the schedule on page 162. Additional landscaping was proposed along the northern boundary and along the western boundary. The cross-section on the plan showed the relationship of the existing and proposed landscaping with the proposed environmental green coloured caravans. Pictures had been provided by the applicant illustrating the existing boundary along the adjacent highway.

Since preparation of the schedule, additional information had also been received from the applicant's drainage engineer. The information indicated that, in his opinion, the proposed measures outlined in the report for the disposal of surface water were appropriate.

The Planning Officer advised that in overall terms the proposal was compliant with the objectives of both the Development Plan and the National Planning Policy Framework. Therefore, the Planning Officer recommended approval of the application subject to the imposition of appropriate conditions.

The Committee then gave consideration to the application.

It was moved and seconded that the application be approved.

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

(12) Removal of Condition 7 of previously approved Application 85/1103 to allow alternative coloured static caravans, Dalston Hall Caravan Park, Dalston, Carlisle, CA5 7JX (Application 13/0473)

The Planning Officer advised that the application Report was withdrawn from discussion at the meeting as the Parish Council had raised no objections. The application would now be capable of determination under the Council's Scheme of Delegation.

DC.61/13 QUARTERLY REPORT ON PLANNING ENFORCEMENT

The Development Manager submitted Report ED.16/13 updating Members on the scope of activities undertaken by the Planning Enforcement Officers.

He explained that, as at 21 June 2013, 101 enforcement cases had been recorded during 2013. The report outlined the nature of those cases and indicated that to date 57 cases had been resolved, while 26 cases from 2012, 5 cases from 2011 and 1 case from 2010 were still active.

The report updated Members on cases where Enforcement Notices or Section 215 Notices had been issued.

Officers had attended the Cumbria Planning Enforcement Group which was held on 7 June 2013 and the Trevor Roberts Associates Enforcement Forum was scheduled to take place at Staff House Conference Centre, Manchester on 26 September 2013.

The Development Manager reminded Members that enforcement in respect of Egertons Vehicle Recovery had been previously approved. He advised that the current occupiers would vacate the premises by 31 July 2013 after which the new owners would take up the site. A Member queried what would happen if Egertons did not vacate the site as agreed. The Development Manager explained that that was a separate legal contractual issue and that the agreed planning consent was with the administrators to be pursued.

A Member was surprised that enforcement of the Keysmount site was taking so long and queried why the report did not refer to the appeal decision in respect of Sandysyke travellers' camp.

The Development Manager advised that Officers were anticipating that an appeal would be lodged and the applicants still had one month in which to lodge the appeal. The Development Manager confirmed that he would advise the Member of the exact date of that deadline.

A Member thanked the Officer for the stop notice in respect of the land at Smithfield and advised that the work had now been completed.

A Member queried why there were still 42 enforcement actions outstanding in 2013. The Development Manager explained that it was a rolling programme and at the time of the meeting the Enforcement Manager was on site dealing with an enforcement action.

RESOLVED: That Report ED.16/13 be accepted and noted.

DC.62/13 PLANNING SUMMER SCHOOL

The Development Manager presented report ED.18/13 that provided details of the Planning Summer School to be held at Leeds University from 6 September 2013 to 9 September 2013. He advised that Councillors Mrs Parsons and Mrs Warwick had been nominated to attend the Summer School.

RESOLVED: That Councillors Mrs Parsons and Mrs Warwick would attend the Planning Summer School at Leeds University from 6 September 2013 to 9 September 2013.

(The meeting ended at 12.10pm)