

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 27 APRIL 2018 AT 10.00 AM

PRESENT: Councillors Mrs Warwick (Chairman), Bloxham, Mrs Bradley, Christian, Collier (as substitute for Councillor Shepherd), Earp, Glendinning, McDonald, Mrs Parsons, Sidgwick S (as substitute for Councillor McDevitt), Sidgwick T, and Tinnion.

OFFICERS: Corporate Director of Governance and Regulatory Services (until 11:40am)
Corporate Director of Economic Development (from 11:05am)
Development Manager
Legal Services Manager (from 11:53am)
Principal Planning Officer
Planning Officer x 3

ALSO

PRESENT: Councillor Bainbridge in his capacity as (Ward Member) attended the meeting having registered a Right to Speak in respect of applications - 18/0104 & 18/0105 – Waverley Viaduct, River Eden, Willowholme, Carlisle, CA2 7NY.

Councillor Allison in his capacity as (Ward Member) attended the meeting having registered a Right to Speak in respect of application – 18/0131 – Former White Quey Inn, Stoneraise, Durdar, Carlisle, CA5 7AT.

DC.29/18 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor McDevitt and Councillor Shepherd.

DC.30/18 DECLARATIONS OF INTEREST

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

Councillor Tinnion declared a Registerable Interest in respect of application 18/0218 – Carlton, Brier Lonning, Hayton, Brampton, CA8 9HN. The interest related to objectors being known to him.

Councillor S Sidgwick declared an interest in respect application 18/0127 – Four Oaks Hotel, Cargo, Carlisle, CA6 4AW. The interest related to the perception of pre-determination through his knowing objectors.

Councillor T Sidgwick declared an interest in respect application 18/0127 – Four Oaks Hotel, Cargo, Carlisle, CA6 4AW. The interest related to the perception of pre-determination through her knowing objectors.

Councillor Mrs Bradley declared an interest in respect of applications 18/0104 & 18/0105 – Waverley Viaduct, River Eden, Willowholme, Carlisle, CA2 7NY. The interest related to her undertaking discussions with the Carlisle Waverley Viaduct Trust, as Economy, Enterprise and Housing Portfolio Holder.

Councillor Christian declared an interest in respect of application 18/0043 – Land to the rear of Gladsmuir, Broomfallen Road, Scotby, Carlisle, CA4 8DG. The interest related to his living near the application site.

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

- 18/0104 & 18/0105 – Waverley Viaduct, River Eden, Willowholme, Carlisle, CA2 7NY.
The interest related to supporters being known to him.
- 18/0237 – Land north of Thornedge, Station Road, Cumwhinton. The interest related to his being a member of Wetheral Parish Council.
- 18/0043 – Land to the rear of Gladsmuir, Broomfallen Road, Scotby, Carlisle, CA4 8DG.
The interest related to his being a member of Wetheral Parish Council.

DC.31/18 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.32/18 MINUTES OF PREVIOUS MEETING

RESOLVED – 1) That the minutes of the meetings held on 9 February 2018 and 14 March be signed by the Chairman.

2) That the minutes of the meetings held on 16 March 2018 and 25 April 2018 (site visits meeting) be approved.

DC.33/18 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Corporate Director of Governance and Regulatory Services 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.34/18 AGENDA

RESOLVED (1) That items A.1(1) application 18/0104 - Waverley Viaduct, River Eden, Willowholme, Carlisle, CA2 7NY and A.1(2) application 18/0104 - Waverley Viaduct, River Eden, Willowholme, Carlisle, CA2 7NY be considered together

(2) That item A.1(10) - Former White Quey Inn, Stoneraise, Durdar, Carlisle, CA5 7AT (Application 18/0131) be considered following item A.1(5).

DC.35/18 CONTROL OF DEVELOPMENT AND ADVERTISING

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

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

- 1) **Construction of new footpath across Waverley Viaduct, linking existing footpaths on the Newtown (South Side) of the River Eden with the existing footpath 109080 on the Etterby (North) side via a new flights of steps; installation of waterproof membrane and new handrails and guarding the consolidation of remaining stone parapets; installation of motor cycle barrier at the southern end of the bridge (Revised Application) Waverley Viaduct, River Eden, Willowholme, Carlisle, CA2 7NY (Application 18/0104) &**
- 2) **Construction of new footpath across Waverley Viaduct, linking existing footpaths on the Newtown (South Side) of the River Eden with the existing footpath 109080 on the Etterby (North) side via a new flights of steps; installation of waterproof membrane and new handrails and guarding the**

consolidation of remaining stone parapets; installation of motor cycle barrier at the southern end of the bridge; railway ballast to be removed and largely relocated after installation of the waterproofing and drainage; new self-binding limestone path to be established along central-line of Bridge (Revised Application) Waverley Viaduct, River Eden, Willowholme, Carlisle, CA2 7NY (Application 18/0105).

Councillor Mrs Bradley having declared an interest in the item of business 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 applications and outlined the planning history of the site. The current application proposed the creation of a 3m wide footpath across the Viaduct with the retention of the parapet with the exception of a length of very poor walling on the west side which was to be removed and new black railings would be erected behind them.

The proposal included new steps to create access from the northern end of the Viaduct to the ground below which would be formed into the slope of the embankment. A new 25m long footpath would need to be created from the bottom of the steps to connect with the existing public footpath (109080) which ran along the northern side of the River Eden. A Public Footpath Creation Agreement and/or a Footpath Creation Order under the Highways Act was required to enable the development, however, the Principal Planning Officer noted that was a separate process which did not form part of the application. The Principal Planning Officer explained that consultees had raised concerns regarding the impact of the proposal on existing footpaths, and advised that separate legislation, outwith planning was in place to deal with such issues.

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

In the event of the application being approved, the Secretary of State would retain ownership of the Viaduct, with the Waverley Viaduct Trust being responsible for the maintenance of the footpath, railings, steps and any signage. The Waverley Viaduct Trust had secured a grant of £100,000 from the Railway Heritage Fund to help fund the proposed works.

The Principal Planning Officer considered that the proposal would improve the public footpath network by linking two existing national walking routes in the district thereby improving access to the countryside for large numbers of people and the links between the north and south side of the city. The improvement of connectivity across the district and increasing access to the countryside were identified as priorities in the adopted Carlisle and District Local Plan 2015 - 30 (Local Plan), therefore the application was supported in policy terms.

An objection had been received from the owner of the land on the north side of the Viaduct who did not wish the Viaduct to be re-opened and public access increased in the area. The objector was concerned about the impact of the proposal on his farming business, due to increased livestock worrying, dog fouling, litter, nuisance behaviour, vandalism and the risk of livestock injury and escape.

The Principal Planning Officer stated that whilst those concerns were noted, he considered opening up the Viaduct to increased public use should reduce problems of anti-social behaviour on the north side of the river. The view was shared by the Police Crime Prevention Design Advisor who, in his response to the consultation on the application, had stated that he has no objections to the proposal and was of the view that formalising the route would generate legitimate activity, thereby improving casual supervision of the area. The Police Crime

Prevention Design Advisor had further stated that opening the route would assist the work of the Neighbourhood Policing Team in their patrolling activities.

The Council's Heritage Officer had been consulted on the application, and had indicated support for the proposal, which he considered would bring the Listed Viaduct back into use thus securing its future maintenance whilst having limited impact on the structure. Furthermore, the approval of the scheme would also lead to the removal of the existing steel barriers which detract from the Listed structure.

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

Ms Jackson (on behalf of Mr Lambert - Objector) spoke against the application in the following terms: the proposed scheme would allow the anti-social and nuisance behaviour and vandalism which had taken place when access across the Viaduct had previously been permitted to occur again; the proposal was contrary to Local Plan policy SP 6 – Securing Good Design, as it would have a detrimental impact on Mr Lambert's farming activity by increasing incidences of livestock worrying, dog fouling on farm land and increased littering; the proposal was contrary to Local Plan policy CM4 – Planning Out Crime, as it was unlikely that the self-policing of the area would effectively deter anti-social behaviour and vandalism.

Councillor Bainbridge (Ward Member and on behalf of Kingmoor Parish Council) addressed the Committee, noting that there had been problems for residents accessing application details via the Council's website planning pages. Councillor Bainbridge advised that the Parish Council considered the amended footpath drawing WV19a did not illustrate the actual line of Footpath 109080, but rather the current diversion of the path being used following flooding in the area in December 2015. He questioned whether the Environment Agency was aware of the inaccuracy and had they been so, whether it would have affected their response to the consultation on the application.

Furthermore, following the 2015 flooding, the northern side of the riverbank had been shortlisted as a potential area for the incorporation of additional flood resilience/defence measures to help protect the city. On that basis, Councillor Bainbridge expressed surprise that the Environment Agency had not objected to the proposal, given that in future works may need to be undertaken that had the potential to affect the layout to the riverbank and therefore the proposed access arrangement to the Viaduct. He recommended that the Committee seek a definitive answer on the issue before determining the application.

Councillor Bainbridge stated that the residents of Stainton Village had significant concerns regarding the re-opening of the Viaduct, and noted that the issue had been the primary concern of those who had objected to the application, he questioned the Officer's assertion that the area would become self-policing.

With reference to paragraph 6.25 of the report, Councillor Bainbridge questioned how the maintenance of the Viaduct would be funded, particularly in the event that the Waverley Viaduct Trust ceased to exist. The County Council's Access Officer had also raised the issue in their consultation response. It was Councillor Bainbridge's view that the Committee should seek to ascertain how maintenance would be managed, prior to their determination of the application. He further considered that the Committee should question where the remaining £225,000 to fund the construction of the scheme was to be secured from.

In relation to the proposed construction vehicle access arrangements, Councillor Bainbridge noted that at the northern side of the river there were two potential access points: one of which was too narrow, and the other was on land owned by an objector to the proposal and therefore

unlikely to permit such use. Councillor Bainbridge expressed concern that the Council would fund the cost of the Public Footpath Creation Order, which in his view meant that the authority would effectively become a partner in the scheme with the Waverley Viaduct Trust

In conclusion, Councillor Bainbridge asked the Members to consider the issues he had outlined and either defer determination of the application until such time as they were resolved, or to refuse permission.

Mr Crichton (Applicant) responded that the proposed scheme would offer vital pedestrian and cycling connectivity between the south and north of the city which would enable residents to benefit from; greater access to the countryside; the heritage assets on both sides of the river (for example, the course of a Roman wall and the Carlisle Navigation Canal); reduced car journeys; improvements in health, and increased economic growth due to greater tourism.

In respect of the financial concerns expressed, Mr Crichton stated that the principal purpose of the Carlisle Waverley Viaduct Trust was the raising of the capital needed to realise the scheme and the establishment of a fund for future maintenance. He explained that, were the application to be approved, the Viaduct structure would remain in the ownership and responsibility of Highways England (on behalf of the Secretary of State), whilst the Trust's maintenance responsibilities would relate to the proposed path, steps, guarding and signage. He stressed that local tax payers would not incur any financial burden from the scheme, and further advised that the Trust would pay for the relevant Orders relating to footpaths accessing the Viaduct.

Regarding concerns expressed about anti-social behaviour increasing as a result of the scheme, Mr Crichton stated that the Trust believed that increasing legitimate use of the Viaduct would reduce the likelihood of the problem occurring and noted that the Police Crime Prevention Advisor shared the view. Mr Crichton considered it significant that 68 letters of support had been submitted in respect of the application, with only 2 letters of objection having been received.

The Committee then gave consideration to the application.

A Member commented that he was a supporter of public footpaths, however he was concerned that approving the scheme may create an increase in vandalism and anti-social behaviour. He asked: which two existing footpath routes the proposed scheme would join up and how many people were expected to use the proposed footpath and; whether it was intended to provide bins for the disposal of dog foul.

The Principal Planning Officer advised that the proposed scheme would create a link between the Hadrian's Wall Trail and the Cumbrian Way, use of both of which was increasing. Whilst he did not have figures projecting the use of the proposed Viaduct path, he explained that a key benefit of the scheme was the provision of access to the countryside for residents. The provision of dog bins was a matter that could be considered.

The Member asked whether a record of the number of incidences of anti-social behaviour which had occurred before the Viaduct had been closed were available.

The Principal Planning Officer stated that figures for previous incidences of anti-social behaviour were not available. However, he had undertaken discussion with the Police Crime Prevention Adviser who was supportive of the proposal.

With reference to Kingmoor Nature Reserve, another Member noted that the area had a large number of footpaths, including those used for access, and it was his view that were the proposed scheme to be maintained to such a standard, that anti-social behaviour was unlikely

to occur. In relation to Engine Lonning, the proposed access point from the southern side of the river, he asked how it was intended that the area would be maintained.

The Principal Planning Officer explained that the existing footpaths within Engine Lonning had hard surfaces, therefore significant maintenance issues were not anticipated. In relation to the connection between Engine Lonning and the Viaduct, it was possible that work would be required, a Construction Management Plan detailing how the construction phase would be managed was required to be submitted to the Local Planning Authority for approval. The Principal Planning Officer further noted that Engine Lonning was in the ownership of the Council and that the authority would undertake discussions with the Carlisle Waverley Viaduct Trust regarding the maintenance of the area.

In response, a number of Members expressed concerns that details of how the proposed scheme would be maintained had not been submitted with the application. The Principal Planning Officer undertook to impose an additional condition requiring the applicant to submit, for approval, to the Local Planning Authority, details of maintenance arrangements.

The Member sought clarification as to the organisation which would meet the costs of the necessary Footpath Order(s).

The Principal Planning Officer responded that he understood that the cost of the Order(s) would be the responsibility of the Carlisle Waverley Viaduct Trust.

A Member asked whether the proposed scheme provided for the reinstatement of the missing parts of the parapet wall of the Viaduct.

The Principal Planning Officer stated that the proposal did not include the reinstatement of the parapet wall which would remain in its current form with railings being installed behind thus preventing access to the parapet. The Council's Heritage Officer supported the proposal not to reinstate the parapet on the grounds that obtaining matching coloured stone would be difficult, and that the loss of the parapet was an aspect of the Viaduct's history.

Several Members expressed disappointment that the Viaduct structure was not to be fully restored by the proposed scheme. A Member questioned whether, given that the structure was Listed, that it was feasible not to restore it.

The Principal Planning Officer stated that the Viaduct was Listed in 1994, and it was possible that the parts of the parapet now missing from the structure had been missing when the Viaduct was Listed. He reiterated that the Council's Heritage Officer was keen that the parapet wall remained in its current state for the reasons indicated in the report and outlined above.

The Development Manager added that the Council had been in discussion with the British Rail Board (Residuary) Limited and its successor, Highways England regarding the structure, and that several reports on the matter had been present to the Committee in preceding years. As a Listed Building, the Viaduct had an ongoing maintenance programme, funded by Highways England as owner of the structure on behalf of the Secretary of State. He indicated that Officers may undertake discussions with Highways England regarding the reinstatement of the parapet, but such action would be out with the application before Members.

A Member sought further detail on the proposed railings.

The Principal Planning Officer displayed the elevation plans on screen which illustrated that the proposed railings would be constructed with black painted, galvanised metal and would be spread out along the length of the area.

A Member moved the Officer's recommendations, along with the imposition of an additional condition requiring the submission of details of maintenance for the proposed scheme be submitted to the Local Planning Authority for approval, which was seconded. Following voting it was:

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

Councillor Mrs Bradley resumed her seat.

3) Demolition of former cinema building and Change of Use to car park for use the 'The Halston', Contract and Public (Part Retrospective Application) not in compliance with conditions 2,3, and 7 imposed by planning permission 13/0867 for changes to the car park layout and extension of temporary use, Former Lonsdale Cinema, Warwick Road, Carlisle, CA1 1DN (Application 18/0133).

The Planning Officer submitted the report on the application which had been the subject of the site visit by the Committee on 25 April 2018. A further letter from an interested party had been received on Wednesday which raised the following points:

- Paragraphs 3.7 – 3.9 of the Report:- request clarification as to where the information came from to form the conclusions set out therein i.e. did the information come from the applicant (in which case had it been substantiated or merely taken on face value) or was it supplied direct from Cumbria County Council as the Local Highways Authority?
- Paragraph 3.7:- acknowledged in open correspondence by Cumbria County Council that Barton's Place is an un-adopted Highway. An Enforcement Notice had been served and the un-adopted Highway reopened. Whilst an application had been made for a Traffic Regulation Order (TRO), on behalf of the adjoining land owner, it was successfully demonstrated to the County Council that they were unable to make the same, as it was outside their statutory powers. We have seen no evidence that the applicant is seeking to challenge this position or that the TRO is ongoing. If any weight was given to such claims, then we would ask that it be substantiated, as on our reading of the Committee Report it appears that significant weight had been given to the same as justification for the extension of the temporary planning permission for such a long period.
- Paragraph 3.9:- we would pose the same questions, as once again, we have seen no evidence of either a challenge, nor indeed any grounds for the same. Our primary concern is that Members have the relevant facts upon which to base their decision, as an extension of 5 years to the temporary permission would appear to be excessive for the resolution of matters which we feel, subject to the contrary being shown, have already been resolved.

In response, comments have been received on behalf of the applicant which read:

- The position as stated within the aforementioned paragraphs of the report and had been provided by the applicant, but were confirmed by Cumbria County Council's Chartered Legal Executive.
- Para 3.7 – it was Cumbria County Council's assessment that Barton's Place was an un-adopted highway, the applicant was not prepared to disclose its legal position in respect of this point.

- The applicant was waiting for Cumbria County Council to progress the TRO process, hence why the barrier had been removed. The applicant was pressing Cumbria County Council to progress the TRO process.
- In respect of timescales, the applicant had been informed the TRO would potentially take 18-24 months to resolve. Not until the TRO had been approved, and was without challenge, would the applicant expend monies on a revised scheme, pursue planning application etc, and thereafter engage contractors for the delivery of the scheme, which was why the 5 year extension of the temporary permission has been requested.

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

The Planning Officer considered it had been demonstrated that there were circumstances which allowed Members to positively view the changes to the scheme. The timeframes for the implementation of the building adjacent to the Warwick Road frontage had been altered as a result of circumstances out with the planning system, and those of the applicant, and therefore were reason enough therefore to be considered exceptional circumstances. As such, the increase in the temporary period for a further five years was considered to represent sufficient time, given the legal issues needing resolution, together with commencement of the redevelopment scheme.

In the view of the Planning Officer, the physical alterations to the layout and boundary treatment would not adversely affect the character or appearance of the Conservation Area or any nearby Listed Buildings. Moreover, no highway issues had been raised and the scheme would be no less sustainable than the development had previously been granted permission. The continued use of the car park would not be detrimental to the occupiers of neighbouring premises.

Notwithstanding the background to the application, in conclusion, the Planning Officer outlined that the application was compliant with the relevant planning policies on its own merits and recommended that the application be approved, subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

A Member asked what would happen to the site, were the application to be refused.

The Planning Officer advised that in such a situation the current use would cease which may lead to the site becoming derelict which was likely to have a greater detrimental impact on the Conservation Area.

Another Member asked whether the applicant intended to change the appearance of the site's frontage along Warwick road, as he considered that its current form was not conducive to the surrounding area.

The Planning Officer understood that it had always been the applicant's intention to address the issue, but given the circumstances which had necessitated the application before Members, they had yet to deal with the matter. He undertook to discuss the matter with the applicant.

A Member expressed the view that the existing car park was well designed particularly in terms of materials used and maintenance. She considered the application to be a reasonable request given the circumstances beyond their control, and that they should be afforded the opportunity to implement the scheme for which they had originally applied for, and been granted permission.

Another Member was concerned about the amount of time the County Council had indicated would be needed for the resolution of the Traffic Regulation Orders.

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

4) Erection of 4No. Single Storey Dwellings (Revised Application), Land North of Thornedge, Station Road, Cumwhinton (Application 18/0237)

The Principal Planning Officer submitted the report on the application, he outlined the planning history of the site and reminded Members that the two previous applications for Planning Permission had been refused due to the proposal not being well related to existing dwellings or the form of settlement and were therefore an intrusion into open countryside.

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

The scheme before Members comprised relocation of the proposed dwellings such that they would be sited directly to the north of the existing dwellings. Additionally, the eastern section of the site would form an orchard, with a copse being planted along the eastern and south boundaries, the Section 106 legal agreement would ensure that they were retained in perpetuity. Furthermore, the legal agreement would also include the provision of an affordable dwelling within the scheme.

The Principal Planning Officer advised that, following an updated response to the consultation, condition 8 of the proposed permission was to be amended to remove reference to footpaths and would read as follows:

"The dwellings shall not be occupied until the vehicular access and turning requirements have been constructed in accordance with the approved plan and has been brought into use. The vehicular access turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority."

Given the above, the Principal Planning Officer considered that the proposed scheme was better related to the existing settlement than previous applications had been and on that basis he recommended that Authority to Issue be given to the Corporate Director of Economic Development to issue approval of the application, subject to the conditions detailed in the report and subject to a legal agreement to secure:

- a. One of the dwellings being made available at a 30% discount;
- b. The provision and retention, in perpetuity of the orchard and copse.

The Committee then gave consideration to the application.

Members sought clarification regarding the ownership and future maintenance of the orchard and copse.

The Principal Planning Officer explained that the orchard would comprise part of proposed plot B and that future occupiers of the property would be responsible for the ongoing maintenance. It was understood that a management company would be responsible for management of the copse which was to be accessible for maintenance purposes. The Section 106 Agreement would ensure the retention of both the copse and orchard in perpetuity.

In response to a question from a Member on the timing of the planting of the copse and orchard, the Principal Planning Officer drew the Committee's attention to condition 4 which set out the relevant details.

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

RESOLVED: That Authority to Issue be given to the Corporate Director of Economic Development to issue approval of the application, subject to the conditions detailed in the report and subject to a legal agreement to secure:

- a. One of the dwellings being made available at a 30% discount;
- b. The provision and retention, in perpetuity of the orchard and copse.

5) Erection of 3No. Dwellings (Outline), Land to the rear of Gladsmuir, Broomfallen Road, Scotby, Carlisle, CA4 8DG (Application 18/0043)

The Planning Officer submitted the report on the application which had been the subject of the site visit by the Committee on 25 April 2018.

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

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

The Committee then gave consideration to the application.

A Member noted that during periods of rainfall gravel debris from the access road washed on to the highway and into the drain which became blocked, he asked what impact the proposal would have on the surface water drainage from the access lane.

The Planning Officer noted that the proposal included the provision of a 5 metre bituminous surface at the bottom of the access lane to prevent the accumulation of debris on to the highway, therefore the scheme was considered to afford a betterment to the current situation.

The Member requested that a condition be included into the permission requiring that a maintenance scheme for the management of surface water be implemented.

The Planning Officer undertook to incorporate the condition into the permission.

Several Members expressed concern in relation to the visibility splay for vehicles exiting the access lane, and the narrowness of the access lane which they considered was insufficient for allowing two vehicles to pass each other safely.

The Planning Officer advised that the visibility splay when exiting the access lane was 4.1 metres. Moreover, following receipt of the initial response of the Highway Authority to the consultation on the application, she had requested that Officers from the organisation conduct a site visit. The site visit had been undertaken during a period of wet weather, thereby enabling the Officers to assess the impact of rainfall in generating debris which cascaded onto the highway. Therefore the Highway Authority was very aware of the site, and had not raised objections to the proposal.

A number of Members remained concerned regarding the proposed access and egress arrangements, and sought clarification as to whether it was feasible to request the Highway Authority carry out a further site visit, given the concerns raised by Members.

The Development Manager reminded Members that the Highway Authority was the Statutory Consultee for highways matters relating to planning applications, therefore he cautioned Members against refusing permission on the basis of the visibility splays. The applicant had the right to appeal a refusal of permission, and such a stance would be difficult to support without the agreement of the Highway Authority.

In relation to concerns regarding the need for provision of a passing place on the access road, the Development Manager advised that were the Committee minded to do so, it was able to impose a condition requiring that the provision be made. However, he noted that the lane was a private road, however, the applicant was able to appeal such a condition. The Committee indicated that it wished the condition to be imposed.

A Member expressed concern about parking of construction traffic given narrowness of the access lane.

The Planning Officer undertook to add a condition to the permission requiring the provision of a compound within the site for construction vehicles to park.

A Member asked whether, to prevent overdevelopment, it was possible to limit the number of dwellings at the site to 3. The Committee indicated its support for the proposal.

The Planning Officer undertook to impose a condition limiting the number of permitted dwellings at the site to 3.

With reference to paragraph 6.19 of the report, a Member sought clarification as to whether the applicant owned the land that the wheelie bin had been sited on.

The Planning Officer explained that the particular area of highway referred to in the paragraph was not owned by anyone, and that a suitable location for a bin stored needed to be agreed.

A Member moved the Officer's recommendation along with the imposition of additional conditions relating to: a maintenance scheme for the surface water drainage system; the provision of a passing place on the access road to the site; the installation of a compound for the parking of construction traffic and; limiting the number of dwellings at the development to three. The proposal was seconded, and following voting 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 11:40am and reconvened at 11:53am

- 6) Conversion of Existing Building to form 2no. dwellings, together with the erection of 3no. dwellings within the grounds of the property (Reserved Matters Application Pursuant to Outline Approval 17/0499), Former White Quey Inn, Stoneraise, Durdar, Carlisle, CA5 7AT (Application 18/0131).**

The Development Manager submitted the report on the application which sought permission for the Reserved Matters further to the granting of Outline Planning Consent at the White Quey by the Committee in August 2017. The Outline application established the principle of 5 dwellings on the site comprising 3 new build and the conversion of the remaining building into two units.

Whilst it was generally accepted that the site was in need of development as it had become an eyesore, concerns had been raised particularly in relation to the scale of Plots 2 and 3. The outline application was accompanied by an Indicative Layout albeit that All Matters were Reserved.

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

The current scheme proposed increased landscaping on the site with the plots at the rear being subservient to the frontage. As landscaping was a Reserved Matter the indicative layout had provided a potential solution for the site's development, however, the matter had not been fixed at the Outline Stage and therefore was open to amendment. The proposed dwellings were large however since the original submission ridge lines have been reduced and additional landscaping introduced.

Objectors had also raised concerns in relation drainage and the applicant had been asked to submit further details, however those had not been forthcoming. Therefore, the Development Manager advised that the conditions which related to the Outline Permission for the site were not able to be discharged and remained in force.

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

Ms Robson (on behalf of Ms Bell Macdonald, Ms Wilkinson, Mrs Harman and Mrs Oldman – Objectors) spoke against the application in the following terms;

Drainage: details of the drainage systems for the proposed development had not been submitted, which was contrary to Local Plan policy IP6 - Foul Water Drainage on Development Sites. The application site was in an area of countryside where farmers operated the Higher Level Stewardship Scheme, without details of the system, Members were not able to judge whether drainage from the site would impact adjacent land or watercourse(s) in the vicinity of the site. Ms Robson noted that the Environment Agency had imposed a condition on a nearby development requiring the package treatment plan to be 10 metres away from the nearest watercourse, she hoped that such an arrangement would be imposed on proposed development.

Scale and design: the scale and design of the proposed dwellings had been considered by the Officer only in the context of application site, not its wider landscape, such an approach had led to the permitting of inappropriately scaled developments in the area of the site. Ms Robson stated that it was important for Members to consider the degree of increase in the dwellings from those indicated at the Outline stage to those currently proposed, as in her view, it was important in determining whether the proposed dwellings would create a greater adverse impact on the appearance and character of the area than the existing complex.

In relation to design, Ms Robson reminded the Committee that at the Outline application stage stated that *"... views into the site from the road would only be fleeting when passing the site. Appropriate consideration to the position of the dwellings to the rear of the site at the Reserved Matters stage could ensure that these dwellings themselves are not directly visible when passing the vehicular entrance to the site."* In the Outline application, the then applicant had indicated that the site would have extensive landscaping, thereby creating a woodland setting for the houses and filtering views of the development from the highway, which was in line with the Cumbria Landscape and Character Guidance and Toolkit. She recognised that the

Indicative Layout submitted with the Outline application, had only been indicative, but she felt that the layout had given assurances which had led to the granting of Outline Permission. In addition, it was important that the design of the dwellings were not an urban style format.

Ms Robson believed that the principal consideration in relation to the proposed scheme was how the site was able to be developed without creating a negative impact on the character of the area, or creating a precedent for encroachment into the countryside at sites which had not been earmarked for development in either the Strategic Housing Land Availability Assessment or the adopted Local Plan.

Ms Robson considered that the Development Manager had supported his recommendation for approving the application by referring to Paragraph 6.5 of the National Planning Policy Framework (NPPF) which set out the presumption in favour of sustainable development which was a golden thread in both the plan making and decision making processes. Ms Robson noted that the NPPF continued “... *proposed development that accords with the an up to date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.*”

Moreover, the Local Plan allowed for the conversion of structurally sound, redundant or disused buildings provided that the development generated an enhancement of the immediate setting of the building. The report acknowledged that the dwellings as proposed were significantly larger, and the Officer had considered that the site was able to accommodate dwelling of the scale proposed without being over developed.

In conclusion, Ms Robson advised that objectors to the proposed scheme wished to see the site developed as it was currently an eyesore, but they were concerned that the development which replaced it was acceptable.

Councillor Allison (Ward Member) addressed the Committee noting that there was widespread support for the proposed scheme in the local area, and that the restoration of the building was long overdue.

In relation to objectors' concerns that the proposed dwellings imported urban design characteristic and therefore were not in keeping with the local rural vernacular, Councillor Allison considered that there was a variety of development styles in the surrounding area, he displayed slides on screen illustrating a number of different property types in the vicinity of the application site. Regarding the requirement that the building to the rear of the site be subservient to the frontage, Councillor Allison considered that such a stipulation may make the development unviable.

Councillor Allison explained that he had raised concerns with the case officer regarding the potential future conversion of the proposed garage to a dwelling in future; where such a conversion to take place would it set a precedent for development on adjacent land; was the site deemed an exception site such to prevent similar development. He was pleased to advise the Committee that he had received reassurance on all counts. With regards to the drainage arrangements, they had been conditioned as part of the Outline Consent and remained to be discharged. He urged Members to grant permission to the scheme.

The Committee then gave consideration to the application.

A Member was not satisfied that details of drainage methods had not been submitted with the application.

The Development Manager advised that drainage had been addressed as part of the Outline application and was subject to conditions which were required to be discharged prior to commencement of construction works. Failure, by the applicant to discharge the conditions could result in enforcement action being taken.

With reference to paragraph 6.9 of the report, a Member noted that therein, the Officer had indicated that the proposed landscaping was considered to be an enhancement of the scheme. The Member considered that landscaping was an important aspect of the scheme, however, the Officer's view was not shared by a number of those who had objected to the scheme, he sought clarification as to whether the matter was able to be reconsidered by the applicant. He further asked whether proposed plot 1 was able to be relocated further into the site to help it blend in better.

Regarding the issue of landscaping, the Development Manager advised that the proposed scheme was considered to have met the requirements of condition 1. He suggested that were the Committee not to consider the proposed landscaping scheme to be acceptable, that Members give consideration to requiring the applicant to submit further details of the scheme.

In relation to plot 1, the Development Manager reminded Members, that the Committee had approved the layout at the Outline stage. Were Members minded to modify the location of the plot, he advised the Committee to defer determination of the application so that Officers may discuss the issue with the applicant.

A Member considered that the site in its current form was an eyesore and in need of development, in her opinion the design of the proposed dwellings was in keeping with the traditional vernacular architecture. She felt that the Committee was fully cognisant of the need for the scheme to be financially viable, and indicated her support for deferral of the application in order that Members' concerns be addressed.

Responding to a question from a Member regarding bird and bat surveys at the site, the Development Manager advised that the surveys had not been deemed necessary and therefore had not been carried out. The Member requested that, in the event that the application was deferred, that the surveys be undertaken.

A Member moved that determination of the application be deferred in order to give further consideration to on site drainage, landscaping, layout of plot 1 and bats/birds, and to await a further report on the application at a future meeting of the Committee. The proposal seconded, and following voting it was:

RESOLVED: That determination of the application be deferred in order to give further consideration to on site drainage, landscaping, layout of plot 1 and bats/birds, and to await a further report on the application at a future meeting of the Committee.

7) Erection of 1no. Agricultural Workers Dwelling (Outline), Home Farm, Farlam, Brampton CA8 1LA (Application 17/0361)

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

RESOLVED: That determination of the application be deferred in order for the Committee to undertake a site visit and that a further report be submitted to a future meeting of the Committee.

8) Erection of 2No. Dwellings; Erection of first floor extension side extension to Carlton, Carlton, Brier Lonning, Hayton, Brampton, CA8 9HN (Application 18/0218).

Councillor Tinnion 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 the site visit by the Committee on 25 April 2018.

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

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

A Member indicated that he was minded to support the application, he sought clarification on the colour and layout of the proposed boarding.

The Planning Officer advised that a condition had been included in the consent requiring details of material to be submitted the Local Planning Authority for approval.

Responding to a question from a Member regarding surface water drainage affecting the adjacent agricultural land, the Planning Officer explained that details of the system had yet to be submitted. A condition had been included in the consent requiring the submission of details to the Local Planning Authority for approval, whereupon the proposed system would be considered through the hierarchy of consenting bodies, as set out in the National Planning Policy Framework.

A Member moved the Officer's recommendation, which was seconded, and following voting 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 Tinnion resumed his seat.

9) Formation of hardstanding; erection of proposed agricultural shed, Land opposite Crossgates Cottages and Park Terrace, Crossgates, Hallbankgate (Application 17/1097).

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

RESOLVED: That determination of the application be deferred in order for the Committee to undertake a site visit and that a further report be submitted to a future meeting of the Committee.

10) Change of Use from Public House and associated residential accommodation to 1no. dwelling, Four Oaks Hotel, Cargo, Carlisle, CA6 4AW (Application 18/0127).

Councillors T and S Sidgwick having declared an interest in the item of business removed themselves from their seats and took no part in the discussion nor determination of the application.

The Planning Officer submitted the report on the application which sought permission for the change of use from a Public House to a residential dwelling.

The Planning Officer advised that a representation from Cargo Community Limited was received on Wednesday. The community group was formed in order to register the premises as an Asset of Community Value on the Council's Community Asset Register.

The Planning Officer summarised for the benefit of Members, the issue raised in the correspondence, as follows:

- Historically the Four Oaks had been the place to go for a meal or drink, and the group hoped to make the Four Oaks into the hub of the village, encouraging both locals and others to frequent the pub because of the range of facilities it proposed to offer;
- There were over 40 successful community run public houses in England and Cargo Community Limited believed they could join that group;
- The public house would provide a welcoming place to enable different generations to come together increasing tolerance, understanding and building a notion that the community cares for its members;
- The group was disappointed that, to date, it had not been successful in purchasing the public house, and that the owner had sold the property at a significantly higher price than their valuation;
- They felt strongly that the property was the only hope of any kind of community hub.

The correspondence had also been accompanied by a timeline of the actions taken to date by the community group in order to try and purchase the property, which the Planning Officer summarised for the benefit of Members.

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

The Committee then gave consideration to the application.

A Member noted that Assets of Community Value were material planning considerations, he asked whether the Cargo Community Limited group were looking for further time to raise additional monies to increase their offer for the premises.

The Planning Officer advised that the community group had not indicated their intentions, the group had not submitted any further offers on the premises since 2017 and had not contacted the vendor's estate agent.

Several Members expressed disappointment that the public house had closed. A Member noted that the business had closed in 2013, and that the current owner was entitled to sell the property to whom they wished.

A Member noted that the proposed dwelling would have eight bedrooms but only 2 car parking spaces, he sought confirmation that the Highway Authority was satisfied with the proposal.

The Planning Officer confirmed that the Highway Authority had not objected to proposals.

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

Councillors S and T Sidgwick resumed their seat.

DC.36/18 CHANGES TO AFFORDABLE PROVISION AT LANSDOWNE CLOSE

The Principal Planning Officer submitted report ED.16/18 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.

Further to the Committee's determination of the application, MENCAP had advised the Council that they required only one affordable four bed dwelling. On the basis that the affordable housing provider had requested the change to the legal agreement, the Principal Planning Officer was minded to approve the request. In order that the level of affordable housing provision from the development continued, it was proposed that one of the four-bed MENCAP dwellings be replaced with an additional three-bed discount sale affordable dwelling and a £27,000 contribution from the developer towards affordable housing.

In conclusion, the Principal Planning Officer recommended that the affordable housing contribution for the permission granted in respect of application 17/0093 – Land at Lansdowne Close be amended as follows: one dwelling be made available to MENCAP at a discounted rate; three dwellings being made available at a 30% discount and; a cash payment of £27,000 towards the provision of affordable housing.

A Member asked whether the legal agreement required the funding of play area.

The Principal Planning Officer confirmed that a contribution towards a play area was included in the legal agreement.

RESOLVED That the affordable housing contribution for the permission granted in respect of application 17/0093 – Land at Lansdowne Close be amended as follows: one dwelling be made available to MENCAP at a discounted rate; three dwellings being made available at a 30% discount and; a cash payment of £27,000 towards the provision of affordable housing.

[The meeting closed at 13:06]