

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 2 JUNE 2017 AT 10.00 AM

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

ALSO

PRESENT: Councillor Mrs Mallinson (in her capacity as Ward Member) attended the meeting having registered a right to speak in respect of application 17/0093 – Land at Lansdowne Close, Carlisle, CA3 9HN.

Councillor Nedved (in his capacity as Ward Member) attended the meeting having registered a right to speak in respect of application 17/0093 – Land at Lansdowne Close, Carlisle, CA3 9HN.

Councillor Higgs (in his capacity as Ward Member) attended the meeting having registered a right to speak in respect of application 17/0131 – Land behind 37 to 65 Scotby Road, Scotby.

Ms Renyard - Cumbria County Council.

OFFICERS: Corporate Director of Governance and Regulatory Services
Corporate Director of Economic Development
Development Manager
Principal Planning Officer
Planning Officers x2
Planning/Landscapes Compliance and Enforcement Officer

DC.51/17 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Mrs Bradley.

DC.52/17 DECLARATIONS OF INTEREST

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

Councillor Christian declared an interest in respect of application - 17/0131 – Land behind 37 to 65 Scotby Road, Scotby. The interest related to objectors being known to him.

Councillor Earp declared an interest in respect of applications:

- 17/0131 – Land behind 37 to 65 Scotby Road, Scotby. The interest related to objectors being known to him.
- 17/0304 – Skelton Court (formerly Skelton House), Wetheral, Carlisle, CA4 8JG. The interest related to objectors being known to him.

Councillor S Sidgwick declared an interest in respect of applications:

- 17/0193 - Former Caldewgate School Site Kendal Street, Carlisle, CA2 5UF. The interest related to objectors being known to him.
- 16/1021 – Globe Lane & Grapes Lane, The Lanes Shopping Centre, Carlisle, CA3 8NX. The interest related to objectors being known to him.

Councillor T Sidgwick declared an interest in respect of applications:

- 17/0193 - Former Caldewgate School Site Kendal Street, Carlisle, CA2 5UF. The interest related to objectors being known to her.
- 16/1021 – Globe Lane & Grapes Lane, The Lanes Shopping Centre, Carlisle, CA3 8NX. The interest related to objectors being known to her.

Councillor Mrs Parsons declared an interest in respect of application 17/0131 – Land behind 37 to 65, Scotby Road, Scotby. The interest related to an objector being known to her.

Councillor Glendinning declared an interest in respect of application 17/0131 – Land behind 37 to 65, Scotby Road, Scotby. The interest related to an objector being known to her.

DC.53/17 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.54/17 MINUTES OF PREVIOUS MEETING

RESOLVED –(1) That the minutes of the meetings held on 8 February 2017 (site visits meeting) and 10 February 2017 be approved and signed by the Chairman.

(2) That the minutes of the meeting held on 31 May 2017 (site visit meeting) be noted.

DC.55/17 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.56/17 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) **Erection of 19No. Dwellings (Revised Application), Land at Lansdowne Close, Carlisle, CA3 9HN (Application 17/0093)**

The Principal Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 31 May 2017.

Slides were displayed on screen showing; block plan; site location plan; aerial photograph of the site; elevation plans; map of Carlisle District Local Plan Housing Allocation Sites U10 and U11 and photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer noted that page 70 of the Main Schedule erroneously contained a plan which related to another application.

Members' attention was drawn to pages 1 – 5 of the Supplementary Schedule which contained a further four letters of objection to the application. A large number of representations had been received which were summarised in Section 4 of the report. The Principal Planning Officer advised that some of the comments contained therein related to an earlier proposed layout which had been revised following the making of a Tree Preservation Order covering four trees within the application site. Tree Preservation Order 2017(No.288) – Land at Lansdowne Close, Carlisle, CA3 9HN was confirmed on 1 June 2017.

Further to the production of the Supplementary Schedule additional objections to the application had been received, the main points raised in the correspondence are detailed underneath with the Principal Planning Officer's response below in italics:

Highways

1. The Design and Access Statement was not compliant with the Town & Country Planning Development Management Procedure Order 2015. Paragraph 4.10 of the Design & Access Statement made reference to discussions having taken place between Cumbria County Council and Reiver Homes (the applicant) in relation to access and egress from the site. The objector considered that this paragraph should be discounted as there was no evidence of the discussions having taken place;

Cumbria County Council and the applicant had both confirmed that these discussions had taken place.

2. The Road Safety Advice Note required by the Cumbria Design Guide had not been obtained for the application;

The Local Highway Authority had confirmed that a full Road Safety Audit was preferable prior to a Planning Permission but was not a requirement, a Stage 1 Road Safety Audit had been provided as part of the application.

3. Condition 16 should specify the version of the Cumbria Design Guide being referred to and should make reference to the need for a night time road safety audit being required;

Condition 16 referred to the current Cumbria Design Guide. The applicant is required to submit the full Road Safety Audit as part of the Section 38 Agreement with the County Council and therefore does not need to be included within the condition.

4. Who was responsible for damage to roads during construction.

A condition survey of the roads providing access to the site would need to be undertaken prior to the commencement of any development, any damage caused to the existing roads by the applicant during construction would be repaired at the applicant's expense. The applicant would not be required to improve the current condition of the roads as this would be unreasonable.

Construction Management

1. The times specified in Condition 13 (hours of work) were not appropriate for the winter months when the hours of daylight were shorter than those stipulated in the condition;

Condition 13 was a standard condition used on all construction sites.

2. The parking of construction vehicles;

Condition 27 addressed the parking of construction vehicles.

3. Condition 22 should bar all vehicles used in construction from transiting Northwood Crescent and Woodlands Close;

Condition 22 applied only to vehicles over 40 tonnes, it was not considered reasonable to restrict access for all construction vehicles. Northwood Crescent and Woodlands Close can only be accessed from roads that large vehicles over 40 tonnes were not allowed to use, therefore smaller vehicles do not need to be specified in the condition.

4. Condition 23's restriction on the number of laden Heavy Goods Vehicles allowed to enter the site per day was too high and the condition should limit the total number of vehicles going into the site and leaving the site;

Condition 23 had been requested by the Local Highway Authority and was considered reasonable. The purpose of the control on the number of laden vehicles was to restrict the number of vehicles removing material from the site each day. Limiting the total number of vehicles visiting the site each day would be difficult to monitor and enforce, and was not considered reasonable.

5. Condition 28 needed to specify which roads required cleaning and ought to include roads from the site to Scotland Road.

Condition 28 required the submission of a Construction Method Statement for approval by the Local Planning Authority and the extent of the cleaning of the highway would also be agreed through that process.

Drainage

1. Inaccurate figures had been used in relation to foul and surface water drainage

Section 5 of the report considered foul and surface water drainage and these aspects of the application are subject to conditions.

2. The proposal would increase the risk of flooding and pollution.

The final drainage scheme details would have to be agreed with Building Control and United Utilities.

Boundary Issues

1. The occupier of 42 Lansdowne Close stated that the boundary lines for his property were inaccurate in relation to distances stated in the Land Registry. Amending the boundary line would affect the width of the pavement and carriageway rendering them non-compliant with the requirements of the Cumbria Design Guide.

The applicant had confirmed that a survey of the site had been undertaken and the road measurements shown on the plan were based on the survey. Boundary disputes were a civil matter, were the objector to own an additional 20cm of the pavement it would not prejudice the determination of the application.

2. The transfer of Plot 19 must include a right in favour of the owners or occupiers of 40 and 42 Lansdowne Close to allow them to maintain their boundary and nothing should be planted along this boundary which would interfere with this right.

This was a civil matter and not be dealt with through the planning process.

Landscaping

1. The application included details of works to two trees which were subject to a Tree Preservation Order. The report stated that by approving the application works to those trees would be approved, however, there was no case which justified the works.

The confirmation of Tree Preservation Order 2017 (No.288) Land at Lansdowne Close, Carlisle, CA3 9HN meant that the applicant was required to submit an application to the Local Planning Authority in order to undertake any works on the trees specified in the Order.

2. The open space contribution required from the applicant had been incorrectly calculated at £29,953 when the required funds equated to £43,616.

The original calculation had been based on an average 19 x 3 - bed dwellings and had resulted in the contribution figure of £29,953. The contribution had been re-calculated based on the size of the units (12 x 3-bed units and 5 x 4-bed units, excluding the MENCAP dwellings). As a result the open space contribution required was £29,428. The money would be spent on improvements to existing open space in Lansdowne Close.

- Conditions 22 and 29 should refer to Knowefield Avenue not Knoxfield Avenue.
- *The Principal Planning Officer undertook to amend the conditions accordingly.*

Paragraph 6.45 of the Committee report outlined the conclusions of an initial Highway Report commissioned by objectors. A revised report which is a final review, a full copy of which had been circulated to members of the Committee by the objectors, was summarised. In addition Committee members and the Principal Planning Officer had also received a further detailed objection in relation to the response from Cumbria County Council the key points which were briefly summarised. The Highway Authority did not consider that any of the additional information from the Highway Consultant or the objectors necessitated changing their recommendation.

The Principal Planning Officer was aware that all members of the Committee had received a further detailed objection covering: density; access and waste services; design and access statement; Swept Path Analysis; independent highway report; road safety audit; visitor parking spaces; assessment of site for the Local Plan; condition of roads; foul and surface water drainage; Highways response; building for the elderly, and the development plan. The Principal Planning Officer stated that all the issues therein had been covered in the report or addressed at the Committee meeting.

Condition 12 sought the removal of Permitted Development Rights from the proposed dwellings. As there were no exceptional circumstances, the Principal Planning Officer considered the condition unnecessary, he proposed that were planning permission to be approved, that the condition be removed from the consent.

In conclusion, the Principal Planning Officer recommended authority be given to the Corporate Director of Economic Development to issue approval subject to the completion of a satisfactory Section 106 Agreement covering: a) two dwellings being made available to MENCAP at a discounted rate and two dwellings being made available at a 30% discount; a financial contribution of £29,428 to improve existing open space in the locality; c) the maintenance of the informal open space within the site by the developer. The removal of condition 12 and the amendment of conditions 22 and 29 to make reference to Knowefield Avenue.

Mr Robinson (Objector) on behalf of Mrs Robinson, Mr Williams and himself spoke against the application in the following terms:

- The independent highways reports (commissioned by Mr Robinson and Mr Bell) concluded that the individual and cumulative road safety impacts of the proposal would be severe and in conflict with the guidance of the National Planning Policy Framework (NPPF). Cumbria County Council had not taken the findings of the independent highway report into consideration in their response to the application;
- The Road Safety Audit commissioned by the applicant had only considered the part of Lansdowne Close which would give access to the site. No separate audit of the proposed internal road layout had been undertaken which was contrary to Cumbria County Council, as Highway Authority, own guidance;
- The application had not demonstrated that:
 - construction vehicles were able to safely access and leave the site;
 - Council refuse collection vehicles were able to safely negotiate the proposed layout within the site or, the access via Lansdowne Close which often contained cars parked on the street;
- The proposed level of visitor and resident parking provision was insufficient for the number of dwellings;
- The submitted Design and Access Statement did not meet statutory requirements;

- Discussions were held between the applicant and the Highway Authority regarding the Design and Access Statement, of which there are no records available for inspection;
- An assessment of the site, commissioned by the City Council in 2014, in relation to the adoption of the Carlisle and District Local Plan 2015 – 30 had indicated a preference for the application site (U11) to be developed as part of the larger adjacent Housing Allocation site (U10). The report further indicated that developing the application site (U11) independently may require the incorporation of highway restrictions on the development;
- The density of the proposed dwellings was too high;
- The application was not compliant with Carlisle District Local Plan 2015 – 30 policies SP6 (Securing Good Design) and H10 (Housing to Meet Specific Needs).
- The proposal did not offer suitable accommodation for the elderly in the form of affordable bungalows.

Slides were displayed on screen by Mr Robinson in support of his objections.

Mr Bell (Objector) on behalf of Mrs Bell and himself spoke against the application in the following terms:

- The applicant had submitted a number of Swept Path Analyses. The revised layout and Swept Path Analysis submitted on 5 May 2017 had not considered the impact of cars parking in Lansdowne Close.
 - The Swept Path Analysis commissioned by Mr Bell and Mr Robinson had considered the impact on the manoeuvrability of Council refuse vehicles in the event that cars were parked on the street in Lansdowne Close.
 - Mr Bell presented four slides which he considered illustrated points where damage to property or personal injury may occur as a result of Council refuse vehicles using Lansdowne Close.
 - Slides were displayed on screen showing vehicles parked on the street in Lansdowne Close
- The Flood Risk data provided by the applicant, based on computer modelling was inaccurate. A rain water capture exercise undertaken by Mr Bell indicated a 44% higher amount of rainfall than that indicated by the applicant in their submission.
- The proposed Sustainable Urban Drainage System (SUDS) had not been approved by United Utilities and was not of a sufficient size to attenuate the required level of water. Water unable to collect in the SUDS would flow overland into the existing surface water drainage network creating a flow rate in excess of the level approved by United Utilities and would cause flooding to residential properties in the area.
- The applicant's submitted peak flow rates in relation to foul water drainage were inaccurate and represented the average flow rate.

Slides were displayed on screen by Mr Bell in support of his objections. In conclusion Mr Bell requested that the Committee reject the application.

Councillor Mrs Mallinson (Ward Member) addressed the Committee noting her primary area of concern related to safety, in particular highway safety in light of the results of the Swept Path Analysis commissioned by the Mr Robinson and Mr Bell. The application site was landlocked between the existing dwellings at Lansdowne Close and the housing allocation site U10, which had extant permission for residential development. Councillor Mrs Mallinson was concerned that allowing vehicular access between the two sites would

effectively make the application site into a “rat-run” thus exacerbating highway problems in the area.

In relation to drainage, Councillor Mrs Mallinson noted that flooding had occurred in the Stanwix area, she expressed concerns that the proposed drainage scheme would increase the likelihood of flood risk in the future. Councillor Mrs Mallinson felt that it would have been beneficial to have received a report from the Environment Agency in relation to flooding issues.

The housing types contained within the scheme did not address the need of the ageing population in the locality. Given the number of Roman era heritage finds in the Stanwix area, Councillor Mrs Mallinson considered that an archaeological dig should be undertaken at the site prior to the commencement of construction works.

Overall, Councillor Mrs Mallinson was of the opinion that a number of issues relating to highways and drainage were outstanding, and in the interests of transparency, determination of the application should be deferred in order that those issues may be fully addressed, with a further report presented to the Committee for their consideration.

Councillor Nedved (Ward Member) addressed the Committee noting that residents and Ward Councillors were not opposed to the principle of developing the site, however, they had concerns in relation to the density and layout of the proposed scheme. The Swept Path Analysis commissioned by Mr Robinson and Mr Bell had highlighted a number of issues in respect of access and egress to both Lansdowne Close and the application site particularly in relation to larger vehicles.

Councillor Nedved expressed disappointment that the proposed housing types did not reflect the needs of the above average elderly population in the Stanwix area. He considered that the proposed scheme was incongruent with the Council’s core strategy documents and that the application did not comply with Local Plan Policy HO 10 (Housing to Meet Specific Needs). Furthermore, the proposed dwelling types were not in-keeping with the existing dwellings in Lansdowne Close which primarily consisted of 3 and 4 bed bungalows.

The applicant’s submitted Flood Risk Assessment had not fully addressed residents’ concerns regarding the scheme’s potential to increase flooding in both the upper and lower sections of Lansdowne Close or the Gosling Syke.

Councillor Nedved was of the view that the first-hand experience of residents of Lansdowne Close should not be ignored, he requested that the Committee defer determination of the application in order that further consideration be given to highway, drainage and housing type issues.

Ms Lightfoot (Agent) responded to the objections in the following terms:

- Principle and acceptability of development: the site had been allocated for residential development as part of the Local Plan adoption process which had involved consultation with stakeholders and statutory consultees. The designation as a housing allocation site meant that the principle and acceptability of development had been agreed.
- Density: the standard yield for a residential development site was 30 units per hectare, on that basis the site was able to provide 22 dwellings. The proposed 19

units was below that level, therefore the density of the scheme was in accordance with Local Plan requirements.

Highways:

- The proposed 4.8metre wide access road was a standard width used nationally in housing developments of less than 50 units;
- The Council's Waste Services had considered the application tracking the relevant roads for use by both current in-service vehicles and the smaller vehicles due to be brought into service, and raised no objection to the proposed scheme;
- In addition Council refuse vehicles were currently required to reverse to exit Lansdowne Close, the new road layout would enable the vehicles to exit the site and Lansdowne Close in a forward moving motion;
- Site visits had been undertaken to assess whether an abnormal parking problem existed within Lansdowne Close. Slides were displayed on screen showing photographs of parking at Lansdowne Close on a number of days and at a variety of times. Ms Lightfoot was of the view that the level of parking shown indicated there was not a problem with parking in the location;
- The Highway Authority had approved the proposed access arrangements;
- The Highway Authority had scrutinised the application in greater depth than was usual, having met with objectors to hear their concerns;
- A number of representations had inferred that the application had been given special treatment by the Highway Authority. Ms Lightfoot assured Members that the application had been processed in the usual professional manner by Officers, consultees and the developer.

Drainage:

- The proposed SUDS would maintain run-off rates from the site at greenfield levels, including an allowance for climate change. United Utilities, as a statutory consultee had responded to the application without objection, and would be required to approve the final technical specification of the system. Ms Lightfoot noted that the NPPF clearly stated that the planning system should not double-up on consenting regimes.
- It was likely that ponding occurred in the gardens of 42 and 55 Lansdowne Close due to their being situated on lower ground than the application site. She considered that the installation of the proposed SUDS would mitigate this issue.

Policy requirements:

- The units proposed by the application contributed to meeting the Council's 5 Year Housing Supply target, and requirements in terms of affordable housing and separation distances were met.
- Paragraph 14 of the NPPF required Local Planning Authorities to approve without delay proposals that accorded with the relevant development plans. The time taken to determine the application was in excess of the statutory thirteen weeks.

In conclusion, Ms Lightfoot stated that the application was sustainable, based on an allocated site with links to transport and services, she hoped that the Committee felt able to endorse the Officer's recommendation.

The Committee then gave consideration to the application.

A Member sought clarification on the operation of the proposed hydro-brake.

Ms Renyard responded that hydro-brakes were commonly used in surface water drainage systems, the system proposed by the applicant was designed to accommodate a 1 in 100 year 6 hour event, factoring in climate change.

The Principal Planning Officer added that the hydro-brake would be used to maintain a green-field run-off rate of surface water once the site was developed.

In response to a further question from a Member, Ms Renyard advised that the surface water from the adjacent housing allocation site discharged into Gosling Syke and would not pass through the application site.

The Committee then gave consideration to a number of highways matters.

With reference to paragraph 6.28 of the report a Member asked, how the additional vehicle movements per day had been calculated as 11.

The Principal Planning Officer responded that the figure referred to in Paragraph 6.28 had been indicated by the independent highways consultant employed by the objectors.

Ms Renyard added that numerous studies had been carried out regarding the increase of traffic created by new residential developments or existing settlements, she felt it was likely this data had been used as a basis for the calculation.

With reference to the Swept Path Analysis commissioned by the objectors, a Member noted that it had indicated that Council refuse vehicles would be required to pass over ground that was not the carriageway when performing turning manoeuvres. He asked how important that information should be in the Committee's determination of the application.

Ms Renyard advised that when highway was constructed in residential areas services e.g. utilities were installed under the carriageway which formed part of the adopted highway. The service strip area was classed as the highway boundary and was configured at a lower level than the rest of the carriageway, the lower level enabled vehicles to efficiently operate swing and turn movements on the highway.

In response to a Member's concern that the use of Heavy Goods Vehicles would be required to transport larger building materials into the site, Ms Renyard advised that a condition had been included in the permission requiring the submission of a Construction Management Plan. The Plan would detail the types of vehicle accessing the site and would need to demonstrate that those vehicles were able to successfully negotiate the access point. Vehicles that were not demonstrably able to enter the site would not be permitted for use, the responsibility for the selection of suitable vehicles was with the developer.

The Member remained concerned that Heavy Goods Vehicles would be required to transport goods into the site, he proposed that determination of the application be deferred in order to allow an evaluation of vehicles using the site to be conducted.

A Member expressed concerns in relation to parking on the street in Lansdowne Close and the potential for this to impact on vehicles, particularly construction traffic attempting to enter the site.

The Principal Planning Officer stated that the Highway Authority had considered this issue as part of the Road Safety Audit, he advised Members that obstruction of the highway was a matter for the Police.

Turning to the issue of the application site's relation to the adjacent allocation site, a Member expressed concern that allowing access between the two sites would increase traffic flow through the application site and Lansdowne Close.

The Principal Planning Officer advised that there was no vehicular access point linking the two sites.

The Development Manager added that plans from the application to develop the adjacent site had indicated access between sites, however, the configuration of this and the adjacent site meant that the boundary would be comprised of adjoining back gardens, therefore access between the sites was not permissible.

A Member moved the Officer's recommendation and the proposal was seconded.

The Chairman noted that deferral of the application had been moved, but not seconded, thereupon she put the proposal to agree the Officer's recommendation to the vote, and it was:

RESOLVED: That Authority to Issue be granted to the Corporate Director of Economic Development to issue approval, subject to the completion of a satisfactory legal agreement to secure: a) two dwellings being made available to Mencap at a discounted rate and two dwellings being made available at a 30% discount; b) a financial contribution of £29,428 to improve existing open space in the locality and; c) the maintenance of the informal open space within the site by the developer.

(2) Demolition of Existing School Buildings and Erection of 15No. Terraced Houses and 20No. Flats with associated external works, Former Caldewgate Schools Site, Kendal Street, Carlisle, CA2 5UF (Application 17/0193).

Councillor S and Councillor T Sidgwick having declared an interest in the item of business removed themselves from their seats and took no part in the discussion of or determination of the application.

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 31 May 2017.

A Member moved that determination of the application be deferred in order that the Independent Viability Assessment be completed and the results reported to the Committee. The proposal was seconded and following voting it was:

RESOLVED: That determination of the application be deferred pending the results of the Independent Viability Assessment and that a further report be presented to a future meeting of the Committee.

Councillors T and S Sidgwick returned to their seats.

(3) Proposed Erection of 34 Dwellings and the enlargement of the gardens serving plots 6 – 8 Under Approved Application 16/0159, Land behind 37 to 65 Scotby Road, Scotby (Application 17/0131).

Councillor Christian having declared an interest in the item of business removed himself from his seat and took no part in the discussion or determination of the application.

The Principal Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 31 May 2017.

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

Page 8 of the Supplementary Schedule contained a letter of objection. A further objection letter had been received following the production of the Supplementary Schedule which raised issues in relation to: the impact on the standard of living in adjacent properties; detrimental impact upon residential amenities; protection of valuable green space; loss of privacy and overlooking; inadequate parking and access; density and scale.

The proposal sought permission for 34 dwellings on the site, part of which had previously been granted Outline Permission for 14 dwellings. The Principal Planning Officer advised that there was a 4m change in level across the site, consequently the proposed dwellings would be lower than the existing properties on Scotby Road, therefore the proposed 2.5 and 3 -storey properties, and the indicated separation distances to existing properties were deemed acceptable.

The Principal Planning Officer noted that the existing access was able to serve up to 50 units and was therefore adequate for the 42 proposed dwellings that would use it. Traffic calming measures required in relation to permission granted in respect of application 16/0159 on Scotby Road, were to be installed prior to the occupation of any of the 8 dwellings currently under construction on the adjacent site.

During the Committee's site visit concerns had been raised in relation to flood risk from the watercourse to the rear of the site. The Principal Planning Officer advised that the applicant had improved drainage along the western boundary which had reduced flooding on the land to the rear of the site. The land had not flooded during Storm Desmond, and in the event that the land to the rear of the site flooded it would not affect the wider site.

In conclusion, the Principal Planning Officer recommended that authority be granted to the Corporate Director of Economic Development to issue approval, subject to the completion of a satisfactory legal agreement to secure: a) ten dwellings at affordable housing – 5 at a 30% discount and 5 for discounted rent; b) a financial contribution of £72,090 to Cumbria County Council towards education provision; c) a financial contribution of £24,221 towards improving existing open space in the locality; d) the maintenance of the informal space within the site by the developer.

Mr Nelson (Objector) on behalf of Mr Vander Byl and himself spoke against the application in the following terms: the density of dwellings; proposed plots 13 and 14 backed onto existing dwellings; the height and massing of the proposed dwellings were too large;

drainage had not been properly investigated; the scheme did not relate to the existing settlement of Scotby; conditions related to the extant permission 16/0159 remained unspent, including the installation of traffic calming measures on Scotby Road; the proposal was not compliant with Local Plan Policies SP 6 (Securing Good Design) and CC 5 (Surface Water Management and Sustainable Drainage Systems).

The Committee then gave consideration to the application.

In response to a Member expressing concerns that the design of the proposed dwellings was not in-keeping with existing dwellings, the Principal Planning Officer noted that the units were the same design as the eight previously approved on the adjacent site.

A Member questioned whether the level of visitor parking was sufficient for the size of the development.

The Principal Planning Officer responded that each of the proposed dwellings had in-curtilage parking for at least two vehicles, and additional spaces for visitors had been allocated within the development. The Highway Authority was consulted on the proposal and had not raised any objections in respect of parking provision.

Regarding the open space contribution detailed in the recommendation, a Member sought clarification as to where the funding would be used.

The Principal Planning Officer advised that the monies would be used towards the improvement of existing open space in the locality.

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

RESOLVED: That Authority to Issue be granted to the Corporate Director of Economic Development to issue approval, subject to the completion of a satisfactory legal agreement to secure: a) ten dwellings at affordable housing – 5 at a 30% discount and 5 for discounted rent; b) a financial contribution of £72,090 to Cumbria County Council towards education provision; c) a financial contribution of £24,221 towards improving existing open space in the locality; d) the maintenance of the informal space within the site by the developer.

Councillor Christian returned to his seat.

- (4) Variation of Condition 1 (Approved Documents) of Previously Approved 14/0472 to retain the 2No. Bedroomed flat within the roof space; Reduce the height of the lifting house to 0.3metres above the roof; and raise the ridge on the east and north elevations to 1.8 metres above the existing terrace floor level, Skelton Court (Formerly Skelton House), Wetheral, CA4 8JG (Application 17/0304).**

The Planning Officer submitted the report on the application and noted that page 11 of the Supplementary Schedule contained a further letter of objection to the application.

Members' attention was drawn to paragraph 6.28 of the report which contained comments from the Conservation Area Advisory Committee. Further to the production of the report,

the Council's Conservation Officer had provided his comments on the application which the Planning Officer read out for the benefit of Members:

"I raised previous concerns on earlier applications about the probability of the large roof space being used for habitation and the adverse visual impact of the overall height of the building. I'd suggest reviewing the proposal with regard to the general duty to preserve or enhance conservation areas as per section 72 of the 1990 Act. I struggle to see how raising the ridge or having a lift tower is compatible with this objective."

Slides were displayed on screen showing; block plan; site location plan; elevation plans; floor plans; roof plan and photographs of the site taken from a variety of locations, an explanation of which was provided for Members

In conclusion, the Planning Officer recommended the application for approval subject to the conditions contained within the report.

Mr Stephenson (Objector) on behalf of Mrs Bethan Hill – Gorst and himself spoke against the application in the following terms:

- The applicant's proposal to vary a condition to normalise the roof-top apartment was a non-sequitur as application 14/0472 had not requested permission for the accommodation;
- The Planning Inspector in a recent Appeal Decision – "APP/E0915/C/16/3151214" regarding application 14/0472 had described the roof space living accommodation as unacceptable due to: its detrimental impact on the amenity of residents in neighbouring dwellings; impact in the Conservation Area; the impact of the setting of the Listed Building Acorn Bank; non-compliant with Local Plan policies SP6 (Securing Good Design), HO2 (Windfall Housing Development), HE3 (Listed Buildings) and HE7 (Conservation Areas);
- In the same Appeal Decision, the Planning Inspector considered the form of the lift housing to be inharmonious with the existing building and incongruent with the wider visual landscape;
- The proposed amendments to the roof line did not fully address the Inspector's concerns, the roof-scape in its entirety required rethinking;
- Reducing the height of the lift housing would not sufficiently address the visual impact of the structure on the wider landscape.

Mrs Ferguson (Objector) on behalf of Mr Notman, Ms Price and herself spoke against the application in the following terms:

- Four previous applications for living space had been refused by the Committee;
- The Planning Inspectorate Appeal Decision – "APP/E0915/C/16/3151214" described the whole roof-top apartment as unacceptable. The minor alterations to the roofline proposed by the applicant did little to address the Inspector's concerns;
- The Council's previous refusals of the pent-house apartment and roof-terrace and the subsequent Enforcement Notice were firmly upheld by the Planning Inspectorate;
- The roof scape of the property had not been constructed as per previous permissions, slides were displayed on screen to illustrate this;
- The proposal to raise the ridges would not mitigate the overlooking or sound pollutions from the roof terrace experienced by neighbouring properties;

- The Officer's report and recommendation had been written with a presumption in favour of the development and did not take into account the objections raised by villagers;
- The proposal was not compliant with Local Plan policies SP6, HO2, HE3 and HE7.

Councillor Higgs (Ward Member) address the Committee noting that the application had garnered objections from forty residents and the Parish Council. The proposed scheme was not congruent with Local Plan policies SP6, HO2, HE3 and HE7, Councillor Higgs considered that the design and material used in the construction of the roof terrace were out of keeping with the character of the Conservation Area in which the property sat. In conclusion, Councillor Higgs requested that the Committee reject the application.

The Committee then gave consideration to the application.

Responding to a Member's question about action the Council was able to take to ensure that the wall built behind the false window on the eastern elevation of the building was retained, the Planning Officer noted that the window was not part of the application before Members.

The Development Manager added that it was possible for spot checks to be undertaken in relation to the false window, but consideration needed to be given as to whether that was reasonable action.

A Member commented that a number of references had been made to previous applications and the planning history of the site, he reminded Members that their role was to determine the application before them, whereupon he moved the Officer's recommendation.

A Member noted that in the Planning Inspector's Appeal Decision, emphasis was placed upon the alterations made to the roof profile. The Member considered that the proposal before the Committee did not address the objectors or the Inspector's concerns in relation to this matter, therefore he proposed that the application be refused permission on the grounds that it was not compliant with Local Plan policies SP6, HO2, HE3 and HE7. The motion was seconded.

The Planning Officer responded that the central issue regarding the roof profile, in the Planning Inspector's report was its visual impact. Whether the proposal adequately addressed the issue was a matter for Members to assess in their determination of the application.

Turning to the issue of accommodation on the third floor of the building the Member sought clarification as to whether this aspect of the proposal had been previously approved.

The Planning Officer replied that the application sought permission to retain the already constructed accommodation along with variations to increase the height of the roof profile and lower the lift shaft.

The Development Manager referred Members to paragraph 51 of the Planning Inspector's report which indicated that the Inspector accepted the principle of providing accommodation at the third floor of the building, it was the areas of ancillary work where concerns had been raised.

A number of Members expressed concerns about the impact of the proposal on neighbouring properties and the Conservation Area, and the variances between the approved works previously permitted at the site and the actual form of the building.

The Chairman noted that a proposal to refuse the application on the grounds that it was not compliant with Carlisle and District Local Plan policies SP6 (Securing Good Design), HO2 (Windfall Housing Development), HE3 (Listed Buildings) and HE7 (Conservation Areas) had been proposed and seconded. Whereupon she put the proposal to the vote and it was:

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

The meeting adjourned at 13:10 and resumed at 13:45

DC.57/17 AGENDA

RESOLVED – That application 16/1021 – Globe Lane & Grapes Lane, The Lanes Shopping Centre, Carlisle, CA3 8NX be considered as the fifth item of business.

DC.58/17 STANDING ORDERS

It was noted that the meeting had been in progress for 3 hours and it was moved, seconded and RESOLVED that Council Procedure Rule 9, in relation to the duration of meetings be suspended in order that the meeting could continue over the time limit of 3 hours.

(5) Installation of Security Shutters to enclose both ends of Globe Lane & Grapes Lane (Retrospective), Globe Lane and Grapes Lane, The Lanes Shopping Centre, Carlisle, CA3 8NX, (Application 16/1021).

Councillor S and Councillor T Sidgwick having declared an interest in the item of business removed themselves from their seats and took no part in the discussion of or determination of the application.

The Planning Officer submitted the report on the application and noted that a further two letters of objection had been received which had been reproduced on page 12 of the Supplementary Schedule.

Slides were displayed on screen showing; location plan; block plan; elevations; the wording; the wording of Local Plan Policy CM3 and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer advised the Committee that were Members minded to approve the application, consideration needed to be given as to whether it was appropriate to impose a condition restricting the hours when the shutters were closed. It was noted that the applicant had requested that the shutters be closed between 7pm and 7am.

The Planning Officer recommended the application for approval subject to the conditions contained within the report.

Councillor S Sidgwick (Ward Member) addressed the Committee and opposed the application in the following terms: the proposal was retrospective; ten letters of objection to the proposal had been received highlighting twenty-two issues; the majority of crime reported at The Lanes related to shoplifting which occurred in the stores when trading and therefore would not be reduced by the use of shutters; the proposal would not minimise the anti-social behaviour experienced by residents in Hodgson Court; the proposal would not deter crime from being committed in the area, but would limit escape routes out of the city centre; the shutters prevented easy pedestrian access through the city centre and therefore was detrimental to both tourists and residents.

Councillor S Sidgwick proposed an alternative arrangement for the shutters which required the re-siting of shutter 3. He stated that the alternative proposal would enable Grapes Lane to remain open at all times to the public, whilst preventing access to other areas of The Lanes.

Mr Jackson (Applicant) responded that the shutters were required to address the increasing incidences of anti-social behaviour taking place outwith opening hours which had caused a variety of problems at the site including: criminal damage to the site; drug consumption; threatening behaviour and assaults on staff. The use of twenty-four hour security had been trialled at the site but had proved to be cost-prohibitive and ineffective at addressing anti-social behaviour.

The use of shutters at the site was supported by residents in the adjacent Hodgson Court and Cumbria Constabulary. Mr Jackson added that the design, style and installation were acceptable in relation to planning guidelines and noted that no objections had been forthcoming from heritage or conservation consultees. The site was worth in excess of £100M, the proposal sought to protect the asset and the staff employed there.

The Committee then gave consideration to the application.

A number of Members voiced concerns regarding the impact of the shutters on the ability of the public to manoeuvre through the city during the evening and their impact on tourism and the night-time economy within the city.

A further area of concern was 7pm to 7am operation of the shutters, which was considered to be overly restrictive, it was suggested that 10pm to 7am use of the shutters would be more reasonable.

Responding to a Member's question as to whether the lanes closed by the shutters were Public Rights of Way (PRoW), the Planning Officer advised that based on Cumbria County Council's Definitive Map, the lanes were not classed as PRoW's.

The Member responded that she was concerned that the policy was not compliant with Local Plan Policy CM4 (Planning Out Crime), on that basis she moved that the application be refused permission. Members held a discussion about the capacity of the shutters to play a role in crime reduction in the city.

The Corporate Director of Economic Development reminded Members that their role was to determine the application based on an assessment of its merits in relation to relevant planning policy and guidance. She did not consider that the application was a policing tool for the city and she directed Members to consider the proposal in terms of the appropriate planning requirements.

Another Member felt that the protection of retail premises at the site was beneficial for not only the businesses, but for the image of the city. He moved Officer's recommendation, and the proposal was seconded.

Support for the proposal to operate the shutters between 10pm and 7am, and of Councillor Sidgwick's proposal to relocate shutter 3 was indicated by a number of the Committee. A Member considered that it would be beneficial for the Committee to be able to explore those options more fully, accordingly he moved determination of the application be deferred in order to allow further options to be considered. The proposal was seconded and following voting it was:

RESOLVED: That determination of the application be deferred in in order that further options may be considered and that a further report on the application be submitted to a future meeting of the Committee.

Councillors S and T Sidgwick returned to their seats.

(6) Change of use from Use Class B1 (Business) to Use Class D1 (Non Residential Institution, 27 Spencer Street, Carlisle, CA1 1BE (Application 17/0311).

The Planning Officer submitted the report and recommended the application for approval subject to the conditions contained within the report.

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

(7) Erection of 44no. Dwellings, Including formation of riverside path, landscaping and Sustainable Urban Drainage System (Revised Application), Former KSS Factory Site, Constable Street, Carlisle, CA2 6AQ (Application 17/0232).

The Planning Officer submitted the report on the application and advised that further to the production of the report, consultation responses had been received from Cumbria County Council. The Planning Officer summarised the responses for the benefit of Members, as detailed below.

The Highway Authority had confirmed it had no objection to the proposal, subject to the imposition of conditions including the provision of:

- details of the construction of carriageways;
- details of access ramps;
- no dwelling to be occupied until the access roads are defined;
- no dwelling to be occupied until the access roads have been constructed to base course;
- the submission of a plan for the parking of construction vehicles;
- submission of a suitable emergency access onto Leicester Street;

As the Lead Local Flood Authority, Cumbria County Council had recommended two conditions requiring: a) the submission of a surface water scheme and b) submission of a construction surface water management plan.

The Planning Officer explained that whilst some highway conditions had been included within the report, were members minded to approve the application the additional conditions requested by the Highway Authority and Lead Local Flood Authority were able to be incorporated into the permission.

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

In conclusion, the Planning Officer recommended the application for approval and that the conditions requested by Cumbria County Council be incorporated into the permission.

A Member sought clarification as to whether two doors were required between a kitchen and bathroom. The Development Manager confirmed that the requirement for two doors was no longer in place.

Another Member commended the proposal and considered it to be a good scheme.

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

DC.59/17 QUARTERLY REPORT ON PLANNING ENFORCEMENT

The Planning/Landscape Compliance and Enforcement Officer submitted report ED.21/17 Quarterly Report on Planning Enforcement.

The Planning/Landscape Compliance and Enforcement Officer reminded Members of the Committee's approval of the Local Enforcement Plan in February 2016. The Plan adopted a priority system for addressing alleged breaches of planning control and set targeted response times for each priority level.

The report detailed an overview of enforcement activity undertaken in 2016 and 2017, and provided an analysis of the data in terms of cases that were received, resolved, or on-going and a breakdown of the cases by priority listing.

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

RESOLVED – That report ED.21/17 Quarterly Report on Planning Enforcement be noted.

[The meeting closed at 15:10]