

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 28 JANUARY 2011 AT 10.00 AM

PRESENT: Councillor Mrs Parsons (Chairman), Councillors Betton, Bloxham, Cape, Craig (as substitute for Councillor Layden), Mrs Farmer, M Clarke, Morton, Mrs Riddle, Mrs Rutherford, Scarborough and Mrs Warwick (as substitute for Councillor McDevitt)

ALSO

PRESENT: Councillor Collier attended the meeting as Ward Councillor having registered a right to speak in respect of applications 10/1008 (field no 8620 – land to north of Langwath Cottage, Moorhouse, Carlisle) and 10/1053 (field 4818, Beaumont, Carlisle)
Councillor Earp attended part of the meeting as Ward Councillor having registered a right to speak in respect of allocation 10/1106 (Moor Yeat and land adjacent Moor Yeat, Wetheral, Carlisle, CA4 8LE)
Councillor Hendry attended part of the meeting as Ward Councillor having registered a right to speak in respect of application 09/1082 (bowling green adjacent to Horse and Farrier Public House, Wigton Road, Carlisle)
Councillor Allison attended the meeting as Ward Councillor in respect of application 10/1053 (field 4818, Beaumont, Carlisle)
Councillor Luckley attended part of the meeting as an observer

DC.01/11 APOLOGIES FOR ABSENCE

Apologies for absence were submitted from Councillors Layden and McDevitt.

DC.02/11 DECLARATIONS OF INTEREST

- Councillor Clarke declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 09/1082 – bowling green adjacent to the Horse and Farrier public house, Wigton Road, Carlisle. The interest related to Tesco Stores Ltd.
- Councillor Clarke declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 10/1035 – walls and railings to the front of the Horse and Farrier public house, Wigton Road, Carlisle, CA2 7EY. The interest related to Tesco Stores Ltd.
- Councillor Craig declared a personal and prejudicial interest in accordance with the Council's Code of Conduct in respect of Applications 10/1070 and 10/1071 – Low Flanders, Dalston, Carlisle, CA5 7AF. The interest related to his being Chair of Dalston Parish Council.
- Councillor Mrs Parsons declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 10/1008 – field no 8620 – land to north of Langwath Cottage, Moorhouse, Carlisle. The interest related to the applicant being a relative.

- Councillor Mrs Warwick declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 09/1082 – bowling green adjacent to the Horse and Farrier public house, Wigton Road, Carlisle. The interest related to one of the objectors being a friend.
- Councillor Mrs Warwick declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 10/1035 – walls and railings to the front of the Horse and Farrier public house, Wigton Road, Carlisle, CA2 7EY. The interest related to one of the objectors being a friend.

DC.03/11 MINUTES

The Minutes of the meetings held on 10 November 2010 and 12 November 2010 were approved and signed.

DC.04/11 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

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

DC.05/11 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 a convenience foodstore (Revised Application), bowling green adjacent to Horse and Farrier public house, Wigton Road, Carlisle (Application 09/1082)

Councillors Clarke and Mrs Warwick, having declared a personal interest, remained in the meeting and took part in discussion on the application.

The Chairman advised Members that the application would be considered with the following item on the agenda (Application 10/1035) as the two applications were linked.

The Principal Development Control Officer submitted the report on the application and advised Members that the application was brought before the Development Control Committee for determination due to the receipt of more than three letters of objection, and the Ward Councillor had registered a “right to speak” in favour of the proposed development.

The Principal Development Control Officer advised that the application sought full planning permission for the erection of a convenience store in the grounds of the Horse and Farrier public house, a Grade II Listed Building at the junction of Orton

Road and Wigton Road, Carlisle. The site, approximately 2km south west of the City was identified on the Proposals Map that accompanied the Local Plan as being within a Primary Residential Area. The site also lay within the Wigton Road/Orton Road Neighbourhood Centre, the boundaries of which were not defined on the Proposals Map.

The surroundings to the site were predominantly residential with the exception of Raffles Parade which comprised a cluster of commercial properties.

Along the eastern boundary of the site, parallel with Wigton Road, were seven lime trees that were protected by a Tree Preservation Order and to the Orton Road frontage was a small roadside car park serving the public house. The Principal Development Control Officer advised that the public house had been vacant for some time and was falling into an increasing state of disrepair.

The property was one of sixteen public houses in the Carlisle area that were designed by Harry Redfern, Chief Architect of the State Management Scheme (SMS) for public houses. The carefully detailed architecture of the building and the provision of a bowling green expressed the ideals of a civilised public house culture that the SMS sought to create.

The Principal Development Control Officer explained that, in overall terms, the principle of the siting of a convenience store in the location and within the grounds of a Listed Building was acceptable. Subject to the imposition of several planning conditions Officers were satisfied that the proposal could be accommodated without significant harm to the setting of the Listed Building, the living conditions of neighbouring residents or highway safety.

The Principal Development Control Officer presented slides of the site in the context of its surroundings and in some detail. The slide showed a deceleration lane at the entrance to the site to ensure the free flow of traffic on Orton Road. The car park, which would be situated between the store and the public house, would service both premises. The store was sited in that position at the request of the Conservation Officer to enable a degree of separation between the store and the Listed Building and allow for the retention of an area of green space between the public house and the car park. The space would preserve existing views towards the Horse and Farrier when travelling northwards along Wigton Road. It would also ensure that the development was positioned away from the seven lime trees along Wigton Road that were protected by Tree Preservations Orders.

A further slide showed the elevation drawings. The Principal Development Control Officer explained that it was the Conservation Officer's view that the building should be more contemporary in appearance rather than attempt to mimic the Horse and Farrier. The proposed building would be predominantly glazed with sections of timber cladding. The curved roof of the building would have a "planted" green roof that would look more visually attractive for the elevated properties in Inglewood Court that overlook the Bowling Green and would have sustainable benefits.

The changes of level were indicated in a slide showing the street scene elevations. From the public highway the store would be largely obscured by the Horse and

Farrier and views would only be afforded when passing the site on Wigton Road or along the access drive off Orton Road.

The Principal Development Control Officer advised that the Highway Authority had suggested that parking restrictions would be required on Orton Road and a slide presented by the Principal Development Control Officer provided an indication of where those restrictions might be. However, the Principal Development Control Officer stated that the exact details were subject to a separate process that was undertaken by the Highway Authority.

The Principal Development Control Officer highlighted the issues for Members to consider. They included:

- the loss of the bowling green given its historical connection with the public house;
- the impact upon the setting of the Listed Building; and
- the impact that the development would have upon neighbouring residential properties.

The Principal Development Control Officer stated that the issues were considered in detail in the report.

In conclusion the Principal Development Control Officer advised that if Members were minded to approve the application, that authority to issue approval be granted subject to the completion of a Section 106 Agreement that would require the developer to:

1. repair and refurbish the public house in accordance with a minimum schedule of work to be agreed with Council Officers. That work would be carried out contemporaneously with the development of the store;
2. market the public house for a period of six months commencing not later than the store opening to trade; and
3. pay £3500 upon commencement of development to facilitate an amendment to the Traffic Regulation Order to provide parking restrictions along Orton Road.

Mrs Unwin (Objector) advised Members that access to the store ran parallel to the drive of the property she shared with her husband at 1 Orton Road. She believed there would be extra noise, that entry to the driveway would be more difficult and that the access road was too close to the junction with Wigton Road. Mrs Unwin also believed that when the new bypass opened there would be further congestion.

Mrs Unwin believed the privacy of herself and her husband would be compromised with the side windows of their property looking onto the public house and their back windows overlooking the store and car park.

Mrs Unwin stated that the rising bollards would only operate out of hours and that it was unclear where the bollards would be. She was also concerned that there was a risk that cars would use the car park to use the facilities on Raffles Parade and also that they would block their drive. Mrs Unwin believed that the proposal would

encourage illegal parking on Orton Road and in the deceleration lane and that she would request “No Waiting” signage outside the house.

With regard to the boundary fence, Mrs Unwin believed that the work to the boundary fence would cause distress to her dogs and could damage the fence causing her dogs to escape. The noise could cause the dogs to bark excessively when she and her husband were away from the property and that neither she nor her husband wished to be held responsible for such noise.

Mrs Unwin also believed that the construction of the store could cause damage to their property, the drive and that the grass verges would be removed. She stated that seating could encourage antisocial behaviour, which may necessitate the siting of CCTV cameras.

Councillor Hendry (Ward Councillor) addressed the Committee under the “Right to Speak” policy. He stated that he welcomed the report and paid tribute to the Planning Officers for the work they had put in to save the building. He added that he would have preferred to see the pub refurbished and converted into a restaurant or gastro pub and that the bowling green be retained. However he accepted that that was not an option and that the present proposals were the only way available to retain the Horse and Farrier public house and turn it into something worthwhile for the local community in the west of the city. Councillor Hendry was anxious to learn of the timescale for the development and believed that the sooner work began the better for the health and safety of the Horse and Farrier building.

Councillor Hendry added that he appreciated all the letters, e-mails and phone calls he had received and stated that it was a very important issue for local people.

Mr Edgeller (Agent) advised that the applicants and Planning Officers had spent a long time getting the applications right and that the Tesco units would fit well into the area. He believed that Tesco were good neighbours and that they would work with the constructors, neighbours and the City Council during the procedure with regard to lighting, noise, times of operation and timescales. Mr Edgeller added that the development would commence shortly if permission was granted.

Mr Edgeller stated that, in his experience, the proposal had got the parking right for both uses and said that it would not be an issue if people used the car park to visit the shops on Raffles Parade. He did not expect youths to congregate on the site as there would be security measures in place and the store would not sell alcohol or tobacco products to underage people.

With regard to the public house Mr Edgeller stated that he was in negotiation with a potential tenant and if those negotiations were not successful Tesco would strive to ensure the long term occupation of the building.

The Committee then gave detailed consideration to the application.

A Member raised concerns from residents about the traffic on Orton Road and stated that the potential traffic issues should be looked at again. The Principal Development Control Officer explained the current and proposed road layout and confirmed that

waiting restrictions would be in place on Orton Road for 15m either side of the junction with Wigton Road and for 30m on the opposite side of the road to the proposed development. The process would have to be undertaken by the Highway Authority as part of a Traffic Regulations Order and money had been requested to ensure that that was taken forward.

With regard to the car park surface the Member asked whether a porous surface could be used rather than the bitumen or concrete as stated in the report. The Principal Development Control Officer advised that the suggested surface could deal with water run-off and would enable water to permeate through. The issue would be dealt with as part of the Building Regulations process, but also the highway related conditions recommended.

The Member also stated that residents of Inglewood Court were concerned that people would be walking along the boundary to their properties and asked whether the area could be looked at again. The Principal Development Control Officer advised that it was proposed to make the boundary fence higher, between 1.5m-1.8m to discourage people from climbing over it.

A Member stated that he was concerned that the pedestrian crossing was close to the deceleration lane and could cause traffic to back up onto Orton Road. The Principal Development Control Officer advised that the proposal was for a small store and there would not be a high volume of traffic.

A Member asked whether there had been any investigations into alternative equipment for air conditioning or condenser units as stated in the report. The Principal Development Control Officer advised that the applicant had given details of the plant and the Environment Health Officers were happy with the proposed units. The noise impact assessment had been received and if a different plant were to be used a new noise assessment would need to be carried out.

A Member asked where the bollards would be placed in the car park, whether they would be between parking spaces or in the general car park. The Principal Development Control Officer advised that due to the changing levels across the site there was a concern that some of the parking bays would not be visible and that the applicants wished to section off part of the parking for the store to discourage anti-social behaviour. The proposed bollards would section off part of the car park to safeguard residents.

A Member raised concerns about the effect of the proposal on the living conditions of people in the area who had previously enjoyed living in a quiet area. He was concerned about the noise from the condenser that would be running from 0700 to 2300. He asked whether the times could be amended for weekends to start at 0800 to give residents a longer rest at the weekend.

The Member was also concerned about traffic backing up onto Orton Road and believed that the deceleration lane would only affect traffic going into the site. The Member was not sure that enough attention had been given to stop traffic from the site becoming a hazard in the area and therefore affect the residents' living conditions.

The Member believed that something needed to be done at the site but added that he was not impressed with the design as he preferred old buildings.

A Member agreed with the previous comments about the design of the proposed building. He added that there had been over 160 objections to the proposal many of which believed that the proposal was inappropriate in a residential area and that the area was already well serviced. He believed the scale was unacceptable and that would lead to an unacceptable increase in the levels of traffic and noise. The Member was also concerned about the loss of the bowling green and asked whether there was a covenant in place that would restrict the use of that land.

The Principal Development Control Officer advised that the type of facility being proposed would be similar in scale to that of Sainsbury's in Stanwix and that as it was a small store the concerns about traffic were unfounded. The Principal Development Control Officer did not believe the proposed development would be intrusive and that only the upper levels of the development would be visible from Wigton Road and that the public house would screen the store from the road. The Lime trees and railings on the opposite side of the road would soften the visual impact.

The Principal Development Control Officer explained that the loss of the bowling green had been considered as part of its connection with the State Management Scheme but as that Scheme had been disbanded there was no justification for the retention of the bowling green, which corresponded with the position taken by the Planning Inspector regarding the Near Boot appeal, as outlined in the Committee report.

With regard to a restrictive covenant on the land, the Officer advised that that was not a material planning consideration but a legal issue for the developer to pursue separately.

The Principal Development Control Officer stated that the residents had benefitted from the public house being vacant for some time, but added that it could be re-opened which could result in the use of the poorly located car park.

The Principal Development Control Officer agreed that there were traffic issues on occasion but that they were not sufficient reason to refuse the application.

The Assistant Director (Economic Development) advised that the concerns about traffic movements could be raised with the applicant. She added that the applicant could also be consulted about the hours that the air conditioning units would be operational. The agent, Mr Edgeller advised that the noise would be minimal and would be drowned out by a passing car.

A Member believed that any such application would be contentious but that Members had raised no viable planning reasons for refusing the application. He was sure that the renovation and management of the public house would be to a high degree. Therefore the Member moved the Principal Development Control Officer's proposal to grant approval. The proposal was seconded.

RESOLVED – That authority to issue approval be granted subject to the completion of a Section 106 Agreement.

- (2) Alterations to the wall and railings of the public house to create a pedestrian access off Wigton Road and a vehicular access off Orton Road, together with the demolition of an existing garage fronting onto Orton Road in order to facilitate the erection of a convenience store on the bowling green of the Horse and Farrier, walls and railings to the front of the Horse and Farrier public House, Wigton Road, Carlisle (Application 10/1035)**

Councillors Clarke and Mrs Warwick, having declared a personal interest, remained in the meeting and took part in discussion on the application.

The Chairman advised Members that the application would be considered with the previous item on the agenda (Application 09/1082) as the two applications were linked.

The Principal Development Control Officer submitted the report on the application and advised Members that the application was brought before the Development Control Committee for determination as it was linked with an associated “Full” planning application to erect a convenience store in the grounds of the Horse and Farrier public house.

The Principal Development Control Officer advised Members that the application sought “Listed Building Consent” for external works within the grounds of the Horse and Farrier public house, which was a Grade II Listed Building, located at the junction of Orton Road and Wigton Road.

The Principal Development Control Officer recommended that Members approve the application, but only if permission had been granted for the redevelopment of the site in accordance with Application 09/1082. If that application was refused the application should also be refused on the grounds of prematurity and the potential adverse impact on the character and setting of the Listed Building.

RESOLVED – That authority to issue approval of the application be granted.

- (3) Erection of a free range poultry unit, Field No 8620 (land to the north of Langwath Cottage), Moorhouse, Carlisle (Application 10/1008)**

Councillor Mrs Parsons, having declared a personal interest, left the meeting and took no part in discussion on the application. Councillor Morton took over as Chairman of the meeting for the item.

The Development Control Officer submitted the report on the application and advised Members that the application had been brought before the Development Control Committee as fifty one letters of objection had been received and the Parish Council had objected to the application.

The Development Control Officer advised Members that the application sought full planning permission for the erection of a free range poultry unit. The applicants currently farmed at Monkhill Hall Farm which was approximately 1.5 miles from the application site. Monkhill Hall Farm included 51 hectares of land and a range of farm buildings and the applicants currently have cows, sheep and 10,500 hens at the site. The applicants had recently received outline planning permission for the erection of a farm workers dwelling at Monkhill Hall Farm. The applicants also own 10 hectares of land at Longburgh, which lay adjacent to their existing dwelling.

The Development Control Officer explained that the application site, which was surrounded by agricultural land, was located approximately 400m from the edge of Moorhouse and lay adjacent to the Moorhouse to Burgh-by-Sands road. The application site rose away from the public highway before it began to fall away. A hedge ran along the front of the site adjacent to the highway, with hedgerows also being located along the eastern and western boundaries. The hedge along the northern boundary, which was not in the applicants' ownership, had recently been cut back and laid. An existing field gate provided access to the site.

The Development Control Officer further advised that Langwath Cottage, which would be the nearest residential property to the application site, lay approximately 110m from the edge of the application site and approximately 260m from the proposed poultry unit. The nearest residential properties in Moorhouse would be approximately 400m from the application site.

The Development Control Officer advised that there were a number of objections relating to traffic and highway safety but the number of vehicle movements to the unit would be fairly small. The proposed unit would be 180m back into the site and the land fell away and it was the intention of the applicants to retain the existing hedges and to plant new trees.

The Development Control Officer then presented slides of the site that indicated the proposed location of the building and Langwath Cottage. The Development Control Officer advised that there would be an egg collection lorry visiting the site twice per week and a wagon delivering feed once every two weeks. With regard to the potential noise/smells/vermin and flies measures would have to be put in place to minimise those issues and they would be audited. The Council's Environmental Health Officer had raised no objection. The matter of an alternative site had been explored and ruled out and nothing was available at the applicant's property at Monkhill.

The Development Control Officer advised that a condition could be imposed with the regard to drainage on the site. The Council's Landscape Architect had requested that the access be moved to beyond the ridge. However that issue still needed to be resolved.

In conclusion, the Development Control Officer advised that in overall terms, the visual impact of the proposal would be acceptable. The proposal would not have a significant adverse impact on the living conditions of the occupiers of any neighbouring properties. The proposed access was acceptable and the proposal

would not have an adverse impact on the highway. In all aspects the proposal was compliant with the relevant policies contained within the adopted Local Plan. Therefore the Development Control Officer recommended that the application be granted.

Councillor Collier (Ward Councillor) addressed the Committee under the “Right to Speak” policy. He advised that he was against the proposal as it would be an intrusion on the open countryside it was a large agricultural building that would be visible from several areas. The Councillor believed that there would be an increase in traffic and that the road was extremely narrow and would be damaged by the increased number of wagons.

Councillor Collier advised that not one resident from Moorhouse was in favour of the proposal and that while most people living in rural areas would accept agricultural buildings he had never known such objections to a proposal. Councillor Collier believed there would be parking issues and a negative visual impact. He believed that the unit would attract vermin and flies and that there had been some problems at the applicant’s site at Monkhill. Councillor Collier added that there would also be problems with drainage.

Councillor Collier stated that he was concerned about the future plans for the site. He believed the proposal did not comply with policies CP5 and LE25 that related to visual impact, CP5 and LE25 relating to the impact on neighbours’ living conditions and LE7 and LE8 of the Local Transport Plan relating to the highway. Therefore the Councillor requested that the application be refused.

With regard to vermin at Monkhill the Development Control Officer advised that he had spoken with officers in Environmental Health and they advised that they had received no complaints regarding vermin or flies at the site. With regard to drainage, the Development Control Officer advised that a condition could be imposed to deal with the issue.

With regard to future plans the Development Control Officer stated that the applicant may have plans for the future but added that Members had to consider only the current application.

Mr Kelton (Objector) stated that the Planning Officer had told him that he would reach his decision on the advice of the consultees. However most of the consultees had either not responded or raised no comments. Environmental Health had carried out a site visit in November when it would be unlikely that flies would be present. The Highway Authority had raised no objection but Mr Kelton advised that the application had been submitted four times and previous applications had been withdrawn before they were rejected. Application 07/0447 was refused in July 2007 as the application did not comply with a number of policies. Mr Kelton believed that there was no supporting evidence about the drainage for the application and therefore the application should be refused.

Mr Kelton added that the application that had been refused stated that the building was located within a relatively flat field and was not situated adjacent to any other agricultural buildings. The current proposal was in the adjacent field and Mr Kelton

believed that the new site was even more open than the previous site that was refused on the grounds of visual impact. Mr Kelton added that the current application advised that the height of the building to the ridge was 5.6m and the building in the application that was refused was 5m so the new building would be even more visible than the one that had been refused.

Mr Kelton concluded by stating that 51 objections had been received including objections from Burgh-by-Sands Parish Council, Councillor Allison, County Councillor for the area and Councillor Collier. Residents believed that their views had been ignored by the Planning Officer and that hardly any of the objections had ever been addressed.

The Development Control Officer stated that the proposed site of the unit that was refused was at the end of a track. He had visited the site with the Landscape Officer who was satisfied that the current proposal was acceptable as the land fell away and that hedging and additional planting would screen the unit. With regard to drainage as the unit was 400m from the edge of the village it was unlikely that there would be any impact. However, the Development Control Officer added that a condition had been imposed that would ensure any excess water would run into the ditch.

Mr Stevens (Objector) advised Members that he and his wife lived 400m from the proposed unit and they had several objections to the proposal. Mr Stevens advised that every authority he had consulted with agreed that a poultry unit containing thousands of birds needed an agricultural worker on site. Three months ago Mr Bimson had agreed that that was absolutely necessary. He had applied, and obtained permission, for a new house close to his poultry unit at Monkhill and in support of the application a letter from his consultants, Taylor and Hardy, quoted three separate appeals decisions that the welfare of the birds required an agricultural worker to be within sight and sound of the birds at all times. The reason given was that there was a high risk of panic leading to stress, massing, suffocation and death and so would require rapid intervention. That panic could be triggered even when the birds were inside the unit. The Planning Officer had accepted the argument and the Planning Committee granted permission for a house.

Only three weeks after that application was approved, Mr Bimson submitted the current application for a poultry unit with no provision for having somebody within sight and sound of the birds at all times. At Monkhill that was judged essential. Therefore the current application was for a poultry unit that on the applicant's own evidence could not be properly run. Therefore Mr Stevens requested that the application be refused.

The Development Control Officer advised that the application at Monkhill was for an agricultural worker's dwelling and outline permission had been granted to build a property within sight and sound of the poultry unit, but there were also issues with lambing and calving and other evidence. In respect of the current application there had been no application for a dwelling and no requirement for a house. Therefore the application should be considered as it stood.

Mr Bimson (Applicant) advised that Councillor Collier had never been in contact for information about the proposal. The water from the land drained into the ditch away

from Moorhouse. The Parish Council had not objected to the same proposal last year but made four observations. With regard to the current application they had made six points of objection. An open invitation was extended for members of the Parish Council to visit Moorhouse but there had been no response. The manure heap would be ½ km from the highway.

With regard to speculation about future development on the site, Mr Bimson advised that the proposed unit would house 4000 birds and his objective was to have 8000 birds at the site and accommodation. The application had been approved by the financial consultants and all relevant information had been submitted.

Mr Bimson stated that no objections had been received about the site at Monkhill and that was nearer to the village than the proposed site at Moorhouse. He had read all of the objections and in his view many of the objectors had little knowledge of what the application contained. After the original application had been submitted flyers were circulated to villagers in Moorhouse and they were inflammatory. A pro forma had been produced and many of the objections to the application were written using the pro forma.

Mr Bimson advised that, should permission be granted, all objections would prove unfounded. He stated that anyone was welcome to look around the unit at Monkhill and as eggs were being produced the unit had to be a clean and hygienic environment.

The Committee then gave detailed consideration to the application.

A Member stated that he was concerned about an increase in traffic along the lane. The Development Control Officer explained that there were currently a number of farm vehicles using the road and turning onto the land. He believed that there would not be a significant increase in traffic and while the road was narrow he did not know the actual width. The Highway Authority had not raised access as an issue.

A Member asked whether the planting and screening would use more evergreen than deciduous planting. The Development Control Officer advised that the landscape scheme had not yet been decided and that the applicant and the Council's Landscape Officer would have an input into what would be planted. He agreed that the development of evergreen planting could be considered.

A Member stated that the report referred to fly traps within the unit and asked how effective they were in controlling the number of flies. The Development Control Officer advised that Environmental Health Officers had raised no issues regarding flies being a problem at Monkhill. The measures appeared to be effective and the site was audited regularly.

A Member asked whether a better use could be made of the manure such as conversion to methane and using it for fertiliser rather than stockpiling and spreading it. The Development Control Officer explained that the sheds were cleaned out every 14 months and the manure taken out and spread on the land at Monkhill, weather permitting, as the manure could not be spread where the birds were. The manure would be stored if conditions did not allow it to be spread on the land. The

Development Control Officer believed that the manure was stored far enough away from the village.

In response to a query from a Member, the Development Control Officer confirmed that the hedges had been laid. The hedge was not in the applicant's control but belonged to an adjacent field. The Council's Tree Officer had been out and considered that the laying of the hedge was good hedge management.

A Member was concerned at what the application, if it were approved, may lead to. The application at Monkhill had been for an agricultural worker's dwelling and the Member queried whether a condition could be imposed to ensure another application could not be submitted on the grounds that someone needs to be on site. The Assistant Director (Economic Development) stated that that assurance could not be given about future applications and that Members could only deal with the application before them.

The Officer's recommendation was moved and seconded.

Following a vote it was:

RESOLVED – That authority to issue approval of the application be granted subject to the position of the new access track being agreed with the Council's Landscape Officer.

Councillor Mrs Parsons returned to the meeting and resumed as Chairman.

The meeting adjourned at 11.30 am and reconvened at 11.40 am

(4) Change of use of land to create camping site for walkers of Hadrian's Wall, land north of Newgate House, Banks, Brampton, CA8 2JH (Application 10/1091)

The Development Control Officer submitted her report on the application and advised that the application had been brought before the Development Control Committee as four written objections and a petition had been received.

The Development Control Officer advised that the application site was a triangular parcel of land that lay to the north of Newgate House in the hamlet of Banks in open countryside. Located approximately 190 metres along the Public Right of Way Number 107018, an area of mixed woodland lay to the north whilst to the east and west was farmland. The site's boundaries were delineated by a stock proof fence interspersed by mature trees and hedgerow. The application site was identified in the Carlisle District Local Plan 2001-2016 as within the Buffer Zone on Hadrian's Wall Heritage Site and partially within a Landscape of County Importance.

In conclusion the Development Control Officer advised that, in overall terms, the principle of development was acceptable. The applicant had taken appropriate measures to ensure that the development would accord with Policy LE7, DP10 and EC16 of the Local Plan ensuring that there would be no adverse impact on the

character and setting of the Buffer Zone on World Heritage Site or the Landscape of County Importance. The proposed camp site would also provide an additional facility for visitors to the World Heritage Site, contributing towards the economic and physical regeneration of the area, promoting the enjoyment and understanding of the World Heritage Site.

The application site was located approximately 260m north east of the closest residential property not in the control of the application. The existing landform and landscaping would minimise the potential to have an adverse impact on the living conditions of neighbouring residents through intensification of use.

The Development Control Officer drew Members' attention to an e-mail of support contained in the Supplementary Schedule that highlighted the support of the Open Spaces Society. Since the report was prepared a further two e-mails of objection had been received raising issues around potential parking problems, an environmental assessment being undertaken to assess the potential impact of the toilet facilities and an assurance that the site boundaries were to be secured in order to prevent any potential of trespass onto neighbouring land or woodland.

In addition, Burtholme Parish Council in their initial consultation response had stated that there should be a restriction on the camp site restricting the use of the site for overnight backpackers only and a restriction on open camp fires, vehicular access and noise levels. The Parish Council had submitted a further comment highlighting that the development would be a useful addition for visitors to Hadrian's Wall that should benefit the local economy.

Therefore the application was recommended for approval as it was considered that the proposal was compliant with the objectives of the adopted Local Plan.

Mr Van Gulick (Objector) stated that he was speaking on behalf of the residents of Banks who had signed the petition referred to in the report – more than 70% of the population of Banks. After receipt of the Planning Officer's recommendation, allowing up to 50 campers – twice the population of Banks – to stay for up to three weeks, Mr Van Gulick had visited every resident who had signed the petition. All were concerned that the key issues, the numbers being considered and the proposed length of stay, had not been considered sufficiently by the Planning Officers. He believed that it would be very difficult to police the site and the site itself was not visible from the applicant's house.

The serious concerns about the possible number of campers (a dozen tents could hold the equivalent of the entire population of Banks) and the length of stay had not been addressed. The possibility of a three week stay would open the possibility of long stays by groups. That may be outside the plans of the applicant but if a much shorter stay would seem sufficient for walkers of the wall was not enshrined within the actual consent, it could easily be exploited by a subsequent owner.

Mr Van Gulick believed that the absence of a shop would increase vehicle usage with taxis and cars of friends or visitors and overnight parking on the grass verges or private road. The entrance to the site was visible for only 40m from the east, a

dangerous situation that had not been acknowledged by the Highways Engineer in the report.

Mr Van Gulick requested that a site visit be arranged to evaluate directly the issues that concerned the residents of Banks. Mr Van Gulick reminded Members that there was already a camp site in the area located at Boothby, just over 2km from the Roman Wall footpath and about 2.5km from Banks.

Mr Crichton (Agent) believed that the parking concerns were a red herring as the proposed site was for walkers and they would not be in vehicles. If necessary they would be dropped off at the house, a bed and breakfast establishment, and that would form part of the planning conditions. People visiting the site would report to the house first where they would be given an information pack that would set out the restrictions on the site. With regard to the length of stay it would be unlikely that walkers would stay for three weeks as they would be walking the Roman Wall footpath walk.

With regard to visibility from the applicants' house, Mr Crichton advised that a property, Newgate House, was owned by the applicants' daughter and the site was visible from there, so the site would be policed at all times.

Mr Crichton believed that the facility would enhance the prospects of the local economy and that walkers would walk through the site anyway. The proposal was economically sound and gave thought to the local people.

The Committee then gave detailed consideration to the application.

A Member asked whether an environmental improvement study, mentioned by an objector, had been done or needed to be done. The Development Control Officer advised that as the toilet facilities were temporary portaloo type facilities, they did not meet the criteria for an environmental assessment.

A Member was concerned about the number of cars on the site and asked whether there would be any provision for the security of bikes were to be included. The Development Control Officer advised that walkers would be dropped off at Quarry House where there was adequate parking. With regard to cycles, no cycle provision was included in the application as originally the site was for walkers only. The Development Control Officer presumed there would be some but none was mentioned in the plans. The Member suggested that some reassurance should be negotiated as some storage was required. The Development Control Officer stated that a condition could be imposed. She also confirmed that she was seeking further information about barbeques on the site.

A Member was concerned that there were no facilities for recycling or refuse disposal on the site. The Development Control Officer advised that all refuse and recycling would be taken to Quarry House for disposal. Information about disposal of refuse and recycling would be included in the information pack.

A Member noted that there was electricity and a water supply on the site but there would be no lighting in either of the sanitary units. The Member asked what the

electricity was for and queried whether it was for some future plans. The Development Control Officer explained that the proposed site was a trial and therefore there were no permanent structures on the site. If the site proved successful the applicants intended to make it permanent but that would be covered by a future application.

RESOLVED – That approval of the application be granted subject to the provision of secure storage for cycles being added to condition 5.

(5) Erection of 1no detached dwelling and detached garage, creation of new access and driveway and the realignment of the existing driveway to Moor Yeat, Moor Yeat and land adjacent to Moor Yeat, Plains Road, Wetheral, Carlisle, CA4 8LE (Application 10/1106)

The Chairman advised that she had intended to propose a site visit in relation to the application but understood from the Planning Officer that a video of the site would be presented at the meeting. Therefore the Chairman advised that a decision about whether a site visit was needed would be made following sight of the video.

The Development Control Officer submitted his report on the application and advised that the application had been brought before the Development Control Committee as a Parish Councillor had registered his right to speak.

The Development Control Officer advised that the application sought “full” planning permission for the erection of a dwelling on land at Moor Yeat, Plains Road, Wetheral. The proposal related to a modestly proportioned piece of garden located within the village to the west of the County highway. Moor Yeat was located on the northern fringe of the village and there were residential properties on three sides. Open countryside bounded the site to the west.

The northern end of Plains Road was characterised by large detached two storey residential properties within substantial curtilages. Moor Yeat was to the north of the application site and there was a row of linear properties to the south facing Plains Road. On the opposite side of the road, there had been substantial redevelopment in recent years. New properties had been built within the curtilages of existing dwellings and one property had been demolished to allow for further development of the site.

The Development Control Officer advised that the application site lay between Moor Yeat and the adjacent property to the south. A line of mature trees fronted the application site and the boundary to Moor Yeat. Those trees were protected by a Tree Preservation Order.

The application site was rectangular in shape and it was proposed to construct a single storey dual pitched property within the site with a footprint of 186 square metres. The garage would be set back 22.3m from the front boundary with the dwelling set back a further 17.4m from the frontage of the garage. The existing vehicular access would be realigned for the proposed dwelling and a new access would be formed to serve Moor Yeat.

The Development Control Officer explained the accommodation within the proposed dwelling and advised that the property would be constructed from render with facing brick detail under a grey concrete roof tile. The windows and doors would be of upvc construction. The foul drainage system would connect into the mains sewer.

In conclusion, the Development Control Officer advised that in overall terms the revisions to PPS3 continued to support the development of sites in sustainable locations and did not preclude residential development on garden land but focused on the visual impact on the character of the area. PPS3 also required that development should be appropriate in terms of scale and design and positively contribute to the character of the area. The key issue for Members to consider was the relationship of the building to the neighbouring properties and the impact on the character and appearance of the area. Due regard had to be given to the impact of the overall development within the character of the street scene. Whilst the area was characterised by large detached properties situated within substantial curtilages, in the case of the application being considered, the principle of development could not reasonably be used to justify the development of the small, awkward shaped site, the development of which would result in a cramped development poorly related to its surroundings. The proposal was considered to conflict with the objectives of the relevant Local Plan policies.

The Development Control Officer had noticed an inaccuracy in one of the drawings in the report but had since received drawings consistent with the application. He advised that the footprint had altered slightly and the proposed building would be 2m from the boundary.

With regard to the trees the Development Control Officer advised that the Council's Tree Officer had raised objections as the arboricultural report was out of date and the proposed access may adversely affect the trees on the site. In order to address the issue the agent had submitted an addendum to the report but there appeared to be no change to the condition of the tree.

The Tree Officer undertook a site visit with the applicant's agent and when trial holes were dug live tree roots were found from trees adjacent to the area to be excavated. While there was only a small amount of live root identified there were a number of factors that would result in unacceptable root loss leading to the decline and early removal of the trees. The Tree Officer emphasised one of the main characteristics of Plains Road were the large mature trees that had a significant visual impact to the area.

The Development Control Officer presented a video of the proposed site and stated that whilst Wetheral was identified as a village suitable for small scale infill development the Development Control Officer believed that such a development would be cramped and not in keeping with the remainder of Plains Road.

The Development Control Officer advised that the key issues for Members to consider were the relationship of the building to the neighbouring properties and the impact on the character and appearance of the area. The properties on the opposite

side of the road have a large footprint and were within a generous plot, the width of the plots being almost regular.

Due regard had been given to the impact of the overall development within the character of the street scene. On the same side of Plains Road as the application site, the character of the street scene was substantially different in appearance. With regard to the application, the principle of development could not reasonably be used to justify development of a small, awkwardly shaped site, the development of which would result in a cramped development poorly related to its surroundings. Therefore, the Development Control Officer recommended that permission for the application be refused.

The Committee agreed that there had been sufficient information within the report and the video and a site visit was not necessary.

Councillor Earp (Ward Councillor) advised that he was speaking as a member of the Parish Council and that he had been Chair of the Planning Committee of the Parish Council for a number of years. He explained that such applications were considered by that Committee before going before the Parish Council and the recommendations being passed to the Development Control Officer.

Councillor Earp stated that the Parish Council objected to the development on the grounds of potential loss/damage to trees, over development and road safety.

With regard to the trees, Councillor Earp explained that the arboricultural report was over three years old and the report indicated that three mature trees would be removed. He did not believe there was sufficient reason to remove the trees. With regard to over development, Councillor Earp advised that the road was tree lined and there was no pavement. The proposed property was to be squeezed between two large houses within a strip 14yds wide and that the site would be cramped and over developed.

With regard to road safety, Councillor Earp stated that the Highway Authority had said they had no concerns but he believed that the addition of another exit, no path and the trees would be a cause for concern.

Therefore, Councillor Earp requested that a site visit be carried out.

Mrs Jones (Agent) presented slides of the site and highlighted that the proposed development was in keeping with the character and the pattern of development in the area. There were two other recent developments in the area and when compared to those the application was similar to or less developed.

The slides showed the site from various aspects. Mrs Jones advised that with regard to the trees, the Tree Officer had been involved since 2008 and had dug two pits – in 2008 and recently – as a result of which the application submitted in 2008 had been withdrawn. The current application had not changed and as there was one root on the site the Tree Officer had recommended refusal of the application. Any excavation work would be carried out using a cross-air spade that would not sever the roots and the use of Cellweb would ensure no damage to the root system.

Mrs Jones advised that she had asked the applicant to ensure that the application retained the character of the street and would be similar to others and the removal of the trees would have minimal impact.

The Committee then gave detailed consideration to the application.

A Member asked for clarification about the reference in the report regarding two applications that had been withdrawn prior to determination. The Development Control Officer advised that they were on the site that was the subject of the current application.

A Member asked for clarification on the comments by the Health and Safety Executive. The Development Control Officer confirmed that they had no objections if Members were minded to grant approval of the application.

A Member believed that the site was too small for a building of the size proposed and went against policies to safeguard against “garden grabbing”.

It was moved and seconded that the application be refused.

A Member stated that the sites of the properties on the opposite side of the road looked narrow and questioned whether approval of those applications had set a precedent. The Planning Manager advised that Members had to have regard to neighbouring properties and that there were a number of large detached houses in the area, which were set in their own grounds and were not in keeping with the current application.

A Member stated that he was not concerned about the size of the site but rather by the fact that the property was behind two properties and did not maintain the line of properties.

RESOLVED – That permission for the application be refused.

(6) Renewal of application 09/0949 for temporary siting of residential caravan during building works, Field 4818, Beaumont, Carlisle (Application 10/1053)

The Development Control Officer submitted his report on the application and advised that the application had been brought before the Development Control Committee as an objection had been received from Beaumont Parish Council and the Ward Councillor had objected to the application. The Development Control Officer reminded Members that the Development Control Committee had granted a temporary planning permission at its meeting in January 2010.

The Development Control Officer advised that the proposal sought planning permission for the retention of a temporary residential caravan at Field 4818, Beaumont. The site was located 970m north east of Beaumont Village, within the Solway Coast Area of Outstanding Natural Beauty and the Hadrian’s Wall Heritage

Site Buffer Zone. The site was bounded on all sides by hedging and was accessed by an unmade track.

An agricultural building that was granted planning permission in April 2007 was currently under construction on the site. The site was being used to establish whether sustainable farming could be achieved and the applicant intended to grow fruit, vegetables and some varieties of plants on the site and to produce fertiliser and compost. The intention was for the process to be self sustainable with no external influences required in the growing process. The agricultural building would enable the applicants to produce renewable energy through various means (solar, waste, compost) to produce fertiliser and compost and to re-use rainwater.

In conclusion, the Development Control Officer advised Members that a permanent residential dwelling on the site would be contrary to planning policy. However, a temporary planning permission for a further twelve month period would give the applicants a security presence on the site whilst the building work was completed. The caravan would not have an adverse impact on the character of the Solway Coast Area of Outstanding Natural Beauty or on the World Heritage Site. In all aspects, the proposal was compliant with the relevant policies contained within the adopted Local Plan.

The Development Control Officer reminded Members that the application approved in January 2010 was originally to cover a two year period but only one year was granted. Therefore the applicant had come back to the Council with the current application as the proposed work had not been completed. The work that had been completed was included in the report.

The Development Control Officer presented slides of the site and advised that cladding to the large building was needed along with other major work. He advised that next year the applicant intended to increase the worm farming and the solar heating project and they were intending to grow strawberries and make fertiliser. The Development Control Officer recommended that permission for the application be granted.

Councillor Collier (Ward Councillor) advised that the Parish Council had objected to the application and that the development had started in 2007. He reminded Members that they had previously visited the site and added that the project was progressing albeit at a snail's pace. Councillor Collier believed that the security issues went back several years and there had been several security issues over that time. Councillor Collier believed that it was difficult to see what was happening on the site and that a lot of Officer time had been spent attempting to gain access to the site. The applicants had admitted last year that someone was living on the site and the agricultural use was minimal. Councillor Collier requested that a site visit be arranged to enable Members to see the site again. He stressed that he was concerned about what may happen if the applicants were allowed to remain on the site for another year and that there was a large shed on the site that no-one knew what it contained.

The Chairman asked Members whether they felt it was justified to have another site visit or whether they felt able to make a decision from the information available. Members agreed that no site visit would be necessary.

The Committee then gave detailed consideration to the application.

A Member asked what the trigger point would be for the removal of the caravan. The Development Control Officer advised that when the cladding of the building had been completed and items moved into the building if that was before the 12 months had expired.

A Member believed that, from the information in the report, there had been some improvement on the site but queried whether the issue regarding stolen items had been reported to the police. The Development Control Officer advised that there were no records of theft from the site.

The Member therefore moved that the application should be granted for 12 months or until the cladding of the building was complete, whichever was the soonest.

RESOLVED – That approval of the application be granted.

(7) Construction of housing for bio-mass energy centre for the Lough House and lodges at the Tranquil Otter Limited, The Lough House, Thurstonfield, CA5 6HB (Application 10/0908)

The Development Control Officer submitted his report on the application and advised that the application had been brought before the Development Control Committee as the applicant's wife was employed by Carlisle City Council.

The Development Control Officer advised Members that the application sought planning permission for the construction of a bio-mass energy centre to serve the Lough House and holiday lodges at the Tranquil Otter, Thurstonfield. The Tranquil Otter consisted of a large detached dwelling, a large detached garage with offices above and eight timber holiday lodges, which were set in woodland adjacent to Thurstonfield Lough, which was designated as a Site of Special Scientific Interest (SSSI).

In conclusion, the Development Control Officer advised that in overall terms the proposal would have an acceptable visual impact and it would not have an unacceptable impact on any existing trees on the Thurstonfield Lough SSSI. In all aspects the proposal was compliant with the relevant policies contained within the adopted Local Plan.

The Development Control Officer advised that with regard to condition 6 the applicant had submitted tree protection measures that had been agreed with the Council's Tree Officer and the condition should be amended to reflect that. Therefore the Development Control Officer recommended that the application be approved.

RESOLVED – That approval of the application be granted.

(8) Erection of a pair of semi-detached houses, land to rear of 11 and 12 Amberfield, Burgh-by-Sands, Carlisle (Application 10/1018)

The Development Control Officer submitted her report on the application and advised that the application had been brought before the Development Control Committee as more than four written objections had been received and that Burgh-by Sands Parish Council had also raised objections.

The Development Control Officer advised that the application site was located in part of the rear elongated gardens of numbers 11 and 12 Amberfield, a pair of semi-detached houses located on the southern fringe of Burgh-by-Sands. The rear garden of number 10 Amberfield ran along the site's northern boundary. Ludgate House and Ludgate Cottage, a detached house and a detached bungalow respectively, were located on elevated sites immediately to the south of the application site. Ludgate Hill, a cul-de-sac of semi-detached houses, flats and bungalows lay to the east. The application site's flanks consisted of 1.8m high wooden fences whilst its rear boundary was made up of a 1m high bank planted with a natural hedgerow.

The Development Control Officer further advised that in overall terms, the principle of the development was acceptable. Whilst the application involved backland development the applicant had taken appropriate measures to ensure that the development would accord with Policy H9 of the Local Plan and the criteria outlined in the Burgh-by-Sands Parish Design Statement. The scale, design and use of materials in the proposal would positively contribute to the character of the area with adequate car parking, access and amenity space provided within the curtilage of the proposed dwellings. The proposal would not result in any demonstrable harm to the living conditions of any neighbouring residential dwellings.

The Development Control Officer drew Members' attention to a letter in the Supplementary Schedule from Councillor Allison in which he requested a site visit. Since the report was prepared there had been one letter of objection from Two Castles Association that centred on land ownership and right of access across the land. However those matters related to civil law and were not part of planning legislation.

Responses from the Highway Authority and Electricity North West had also been received. The Highway Authority had no objections to the proposal, subject the imposition of five conditions. Electricity North West had considered the proposal and found that the proposal would have no impact on its electricity distribution system infrastructure or other assets.

The Development Control Officer presented slides of the proposed site and recommended the application for approval.

A Member stated that he objected to the application on the grounds that it was backland development. The Planning Manager advised that, whilst the site was in the rear gardens of properties at Amberfield, there was frontage directly onto Ludgate Hill. Therefore it was not classed as backland development.

RESOLVED – That approval of the application be granted.

(9) Proposed two storey extension to the side elevation to provide lounge/kitchen at ground floor level and en suite bedroom at first floor level, Low Flanders, Dalston, Carlisle, CA5 7AF (Application 10/1070)

Councillor Craig, having declared a personal and prejudicial interest, left the meeting and took no part in discussion on the application.

The Chairman advised Members that the application would be considered with the following item on the agenda (Application 10/1071) as the two applications were linked.

The Development Control Officer submitted his report on the application and advised that the application had been brought before the Development Control Committee as the Parish Council had objected to the proposal in respect of the proposed materials and design.

The Development Control Officer advised that the application sought planning permission for the erection of a two storey side extension at the property. The Development Control Officer described the existing property and stated that the property was located on the southern side of a courtyard with a large garden to the front. A listed bank barn, which had planning permission for conversion to a dwelling, sat on the eastern side of the courtyard, whilst a single storey dwelling was located on the northern side. An application for Listed Building Consent for the extension had also been received.

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

The Development Control Officer advised that planning permission existed for a single storey extension and a slide showed that extension under construction. He stated that the Parish Council had objected on the grounds of scale and design and materials. The Development Control Officer advised that some of the render had been removed from the farmhouse which was constructed in stone and the applicants may consider removing more. The Conservation Officer had found the application acceptable. Therefore the Development Control Officer recommended that the application be approved.

The Committee then gave detailed consideration to the application.

A Member stated that as the main building was rendered it may be too stark a contrast with the stone building. The Development Control Officer confirmed that the

single storey building was in stone and the main property rendered. The addition of dormer eaves would make no difference to the situation.

The Assistant Director (Economic Development) advised that as the main building was listed the Conservation Officers usually looked to maintain a clear distinction between older parts and modern extensions.

A Member believed that if the front was stone and the side and rear were rendered it would not look right. The Development Control Officer advised that he had spoken with the applicants and he believed it was the intention to remove the render if it could be done without damaging the stone underneath. It was not possible, however, to make that a condition of approval.

RESOLVED – That approval of the application be granted. The Development Control Officer agreed that he would consult with the applicant and the Conservation Officer about the removal of the render on the main building.

(10) Proposed two storey extension to the side elevation to provide lounge/kitchen at ground floor level and en suite bedroom at first floor level, (LBC) Low Flanders, Dalston, Carlisle, CA5 7AF (Application 10/1071)

Councillor Craig, having declared a personal and prejudicial interest, left the meeting and took no part in discussion on the application.

The Chairman advised Members that the application would be considered with the previous item on the agenda (Application 10/1070) as the two applications were linked.

The Development Control Officer submitted his report on the application and advised that the application had been brought before the Development Control Committee as the Parish Council had objected to the proposal.

RESOLVED – That approval of the application be granted.

Councillor Craig returned to the meeting.

(11) Internal alterations to provide first floor within roof space, installation of Velux roof lights and single storey extension to provide day room, Parkfoot, The Knells, Houghton, Carlisle, CA6 4JG (Application 10/1107)

The Development Control Officer submitted his report on the application and advised that the application had been brought before the Development Control Committee as an objection had been received from the Parish Council.

The Development Control Officer advised that the application sought “full” planning permission for an extension and alterations to Parkfoot, a detached property located within a large curtilage. The property was located within the settlement to the east of

the County highway. To the immediate north of the site there were two bungalows and a detached house. To the south there were a series of relatively large houses set within extensive grounds at Seefeld and Stonegarth. On the opposite side of the road there was an open field with a stable located in the southern corner.

The Development Control Officer explained the proposal and highlighted the relevant planning policy against which the application was required to be assessed. He advised that the proposal raised several planning issues as indicated in the report.

In conclusion, the Development Control Officer advised that in overall terms the proposal would not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The scale and design of the extension to the property was appropriate to the site and the character and appearance of the area would not be adversely affected. In all aspects the proposal would be compliant with the objectives of the relevant Local Plan policies.

The Development Control Officer presented slides of the site and advised that whilst the extension would be visible from the neighbouring property it would be in keeping with the character and appearance of the applicant's property. The neighbouring property was of sufficient distance from the proposed development that an unreasonable loss of daylight or sunlight would not result. Therefore, the Development Control Officer recommended that the application be approved.

The Committee then gave detailed consideration to the application.

RESOLVED – That approval of the application be granted.

(12) Demolition of existing laboratory building, erection of terrace of 4no dwellings, Former Laboratories, Talkin, CA8 1LE (Application 10/0965)

The Development Control Officer submitted his report on the application and advised that the application had been brought before the Development Control Committee as the proposal was contrary to Policy H1 of the Carlisle District Local Plan 2001-2016.

The Development Control Officer advised that the application sought "full" planning permission for the erection of four dwellings at the former laboratories, Talkin, Brampton. The site comprised of a single storey building of sandstone with painted render to the rear under a slate roof. The site was located within the village envelope towards the northern fringe of the village and was within a Landscape of County Importance. The site was at a much lower level than the adjacent County highway. To the west and opposite side was a row of terraced two storey properties of traditional construction that also incorporated interesting vernacular features. Immediately to the south was a large detached two storey property that had recently been constructed. Further to the north were more houses. The land rose steeply to the east that led onto open countryside. Access to the site was to the north of the building and was shared by former research offices that were located close to the site to the north.

The Development Control Officer presented a series of photographs and explained that the proposal would involve the demolition of the existing building and erection of a terrace of four linked properties. The houses would be sited further back from the front boundary than the existing building, varying from 9.4m and 10m, and would occupy a similar width across the frontage as the existing. The two storey houses would be constructed from sandstone to the frontage and the gables painted render to the rear. The roofs would be of natural slate. The building would also incorporate stone quoins and stone detail around the windows. Also, as part of the development, the buildings would include conservation style roof lights, ventilation slit windows, arched windows to the gable and stone verges.

The Development Control Officer described the accommodation to be provided within each of the properties and stated that each property would have two dedicated parking spaces to the rear of the site and the rear boundary of the site would be extended into the adjacent field to accommodate that. The foul drainage system would connect into a private package treatment plant.

The Development Control Officer advised that in overall terms the proposal did not fully comply with planning policy insofar as not all the properties fulfilled an identified local housing need. However, there were material considerations that the Development Control Officer believed warranted approval of the scheme. The development would provide two houses for rent at a discounted affordable rate that would be secured in perpetuity. In that respect the development far exceeded the tenure of the housing required by Local Plan policies in that they would be for rent and affordable. A S106 agreement would be invoked to ensure that they remained available as such in perpetuity. The two open market houses were required to enable the development.

The Development Control Officer explained that the dwellings would be set back from the frontage of the site and that the scale, design and massing of the development would be appropriate to the character and appearance of the area. Further, the application proposed an appropriate design and use of vernacular materials such that the development would be of a high standard and would be sympathetic to the character and appearance of the village.

The properties would not result in any demonstrable harm to the living conditions of any neighbouring residential dwellings. The combination of those elements would result in a development that would enhance its appearance within the village. In all other aspects the proposal was compliant with the objectives of the relevant Local Plan policies. Therefore the Development Control Officer recommended that Members grant authority to issue approval subject of the completion of the S106 agreement.

A Member queried whether the rendering on the building was appropriate. The Development Control Officer advised that the rendering would be at the back of the site overlooking land that the applicant owned. As the properties were to be affordable it was important to keep costs down as far as possible.

A Member stated that there had been a need for affordable housing for some time in Talkin but there was a concern that there were a number of properties that were

holiday lets and the need was for permanent housing. The Development Control Officer confirmed that it was the applicant's intention that the two unrestricted properties would be for sale on the open market and that the two allocated as affordable would be rented accommodation. The Legal Services Manager confirmed that the matter would be covered by a Section 106 Agreement, which would require occupation of the affordable units to be restricted to certain qualifying persons. It was not possible to restrict the occupation of the open market dwellings. .

RESOLVED – That approval of the application be granted subject to the completion of a Section 106 Agreement that would ensure the two houses for rent at a discounted affordable rate would remain as such in perpetuity.

(13) Removal of the effects of conditions 2, 3, 4, 5 and 6 attached to the granting of Full Planning Permission under Application 06/0693 (conversion to 8no holiday units) to enable unrestricted residential occupation (Tarn End House Hotel, Talkin, CA8 1LS

The Principal Development Control Officer advised that he had received the Viability Report from Edwin Thompson on behalf of the applicant and had passed it to GVA Grimley for consideration. As he was still awaiting a response the Principal Development Control Officer recommended that consideration of the application be deferred until a response had been received.

RESOLVED: That consideration of the application be deferred in order to await the receipt of the formal views of GVA Grimley concerning the Viability Report submitted on behalf of the applicant, and to await a further report on the application at the next meeting of the Committee

DC.06/11 QUARTERLY REPORT ON PLANNING ENFORCEMENT

The Planning Enforcement Officer submitted Report ED.06/11 that updated Members on the scope of activity in the Enforcement of Planning Control.

The report advised that Planning Enforcement Officers would be attending the meeting of the Cumbria Planning Enforcement Group at Allerdale Borough Council and the Annual Enforcement Forum at Birchwood Park, Warrington.

The report listed the Enforcement and Section 215 Notices Issued and the status of the notices.

The Planning Enforcement Officer informed Members that during 2010, 226 enforcement cases had been recorded on the Acolaid system and 145 cases had been resolved.

The Planning Enforcement Officer advised that 16 cases were still outstanding from 2009 and 6 cases received prior to 2008 were still active and outlined the reasons for the latter.

Members agreed that the document was excellent – clear and easy to read.

The Enforcement Officer advised that work on Crindledyke Close was about to come to a conclusion and although the roadway was not completed it was 95% complete and he had been assured that the cost of the work was being met by the road bond currently held by the developer's solicitors.

A Member stated her thanks that the matters had been dealt with satisfactorily.

RESOLVED: 1. That Report ED.06/11 be noted and accepted.

**DC.07/11 REVOCATION OF TREE PRESERVATION ORDERS –
NO.80 – THE SEVERALS, SCALEBY; NO.94 – WELLGATE,
SCOTBY; NO.183 BROADWATH HOUSE, BROADWATH**

The Landscape Architect/Tree Officer submitted Report ED.04/11 concerning Tree Preservation Order Nos. 80, 94 and 183.

The Landscape Architect/Tree Officer advised that Government guidance stated that local planning authorities were advised to keep their Tree Preservation Order records under review and to ensure their Tree Preservation Orders were brought up to date by the use of their powers to vary or revoke the Orders. The Landscape Architect/Tree Officer gave examples of the reasons to vary or revoke Tree Preservation Orders.

A review was currently being carried out by the City Council of all the current Tree Preservation Orders. A file audit revealed that the Local Authority had no evidence that Tree Preservation Orders 80 – the Severals, Scaleby, 94 – Wellgate, Scotby and 183 – Broadwath House, Broadwath were confirmed. Therefore those Tree Preservation Orders may be unenforceable and would not protect the trees as was the intention at the time they were made.

The Landscape Architect/Tree Officer explained that whilst it was possible to confirm a Tree Preservation Order after the six month period had expired it was considered bad practice and would cast doubt on the validity of the Order itself. Although unconfirmed and unenforceable, the Tree Preservation Order would remain a land charge on the properties where the trees were located and the file remain in the public domain.

The Landscape Architect/Tree Officer advised that Tree Preservation Order 80 – The Severals, Scaleby was made on 9 January 1997 to protect five oak trees. A site visit had been carried out that revealed that all of the trees remained and, following evaluation, were deemed suitable for protection. Tree Preservation Order 257 was made and later confirmed ensuring the protection of those trees.

With regard to Tree Preservation Order 94 – Wellgate, Scotby, the Landscape Architect/Tree Officer advised that the order was made in February 1990 prior to the development of the site. A site visit revealed that only four of the original ten protected trees remained and one of those was due to be removed leaving just three

remaining. The remaining trees were assessed and it was determined that, due to the confined rear garden locations, their limited visibility and short life expectancy, the trees were not deemed worthy of statutory protection.

The Landscape Architect/Tree Officer further advised that Tree Preservation Order 183 – Broadwath House, Broadwath, was made on 23 March 2004 to protect three trees. A site visit revealed that only one tree remained and that was in a heavily lopped condition following works to the tree to make it safe following the storms of January 2005. No record existed on file regarding the removal of the other two trees. Assessment of the tree determined that, due to its poor form and condition and its significantly reduced public visibility, it was not appropriate to make it the subject of a Tree Preservation Order.

In conclusion, the Landscape Architect/Tree Officer advised that the trees thought to have been protected by Tree Preservation Order 80 remained a significant amenity to the location and the replacement Order would ensure their continued protection. However, Tree Preservation Order 80 remained on public record and as a land charge against the property and as a matter of good practice should be revoked.

Only four of the thirteen trees thought to have been protected by Tree Preservation Orders 94 and 183 remained, none of which were a significant amenity in the area. However, the two Orders remained on public record and a land charge against the properties and as a matter of good practice should be revoked.

RESOLVED: That Tree Preservation Orders 80 – the Severals, Scaleby, 94 – Wellgate, Scotby and 183 – Broadwath House, Broadwath – be revoked.

[The meeting ended at 1.05 pm]