

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 8 JUNE 2018 AT 10.00 AM

PRESENT: Councillor T Sidgwick (Chairman), Councillors Bloxham, Christian, Earp, Glendinning, Graham, McDevitt, McDonald, Mrs Parsons, Shepherd, Tinnion and Mrs Warwick.

OFFICERS: Corporate Director of Economic Development
Development Manager
Legal Services Manager
Principal Planning Officer
Planning Officer x 3

ALSO

PRESENT: Councillor Allison in his capacity as Ward Member attending the meeting having registered a Right to speak in respect of the following applications:

- 18/0214 – Hazeldean, Orton Grange, Carlisle, CA5 6LA;
- 18/0131 – Former White Quey Inn, Stoneraise, Durdar, Carlisle, CA5 7AT.

DC.54/18 APOLOGIES FOR ABSENCE

No apology for absence was submitted.

DC.55/18 DECLARATIONS OF INTEREST

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

The whole Committee with the exception of Councillor Shepherd declared an interest in respect of application – 18/0207 – Moat Villa, Moat Street, Brampton, CA8 1UJ. The interest related to the applicant being a serving Councillor.

Councillor Shepherd declared a pecuniary interest with respect application – 18/0207 – Moat Villa, Moat Street, Brampton, CA8 1UJ. The interest related to his being the applicant.

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

- 18/0070 – Land adjacent Westwood, Heads Nook, Brampton, Cumbria, CA8 9AE. The interest related to objectors being known to him.
- 18/0290 – Croftfield, Aglionby, Carlisle, CA4 8AQ. The interest related to objectors being known to him.

Councillor Mrs Parsons declared an interest in respect of application – 18/0214 – Land to the west of The Glebe, Rectory Road, Castle Carrock, Brampton, CA8 9LZ. The interest related to objectors being known to her.

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

- 18/0214 – Land to the west of The Glebe, Rectory Road, Castle Carrock, Brampton, CA8 9LZ. The interest related to objectors being known to him.
- 17/1066 – Plot 3 (Fallows End), Land to the rear of Elmfield, Townhead, Hayton, Brampton, Cumbria, CA8 9AE. The interest related to his being the Chairman of the Parish Council, although he had not taken part in that organisation's consideration of the item.
- Item B.1 – Quarterly Report on Planning Enforcement. The interest related to a subject of the report being known to him.

Councillor Mrs Warwick declared an interest in respect of application 18/0214 – Land to the west of The Glebe, Rectory Road, Castle Carrock, Brampton, CA8 9LZ. The interest related to her being the Council's representative on the North Pennines Area of Outstanding Natural Beauty Partnership.

Councillors Graham, McDevitt and Shepherd declared that they would not take part in the discussion nor determination of application 18/0131 – Former White Quey Inn, Stoneraise, Durdar, Carlisle, CA5 7AT.

DC.56/18 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.57/18 AGENDA

RESOLVED – That agenda item A.1 (7) – 18/0131 be considered following item A.1 (3).

DC.58/18 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meetings held on 27 April 2018 and 6 June 2018 (site visits) be approved.

DC.58/18 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.60/18 CONTROL OF DEVELOPMENT AND ADVERTISING

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

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

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

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 6 June 2018.

Slides were displayed on screen showing; site location plan, a plan illustrating the area of land in which the applicant operated their business, and photographs of the site, an explanation of which was provided for the benefit of Members.

The application requested Outline Permission for the dwelling, with all Matters Reserved. Given the setting and physical relationship between the village and the Listed Building, the Planning Officer considered that the principle of residential development would not be detrimental to the character or setting of the Listed Building, Members would be able to assess the issue in greater detail at the Reserved Matters stage, when full details of the proposed dwelling would be submitted.

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

The Committee then gave consideration to the application.

A Member noted that the report appeared to contain two differing location plans.

The Planning Officer confirmed that two differing plans had been included in the report and apologised for the oversight, he advised that the correct plan was that contained on page 47 of the Main Schedule.

The Member sought clarification as to why the agricultural use restriction had been included as a condition of the consent.

The Planning Officer explained that as the submitted application requested a dwelling for an agricultural worker, it was considered appropriate to restrict the use of the proposed building to that particular use.

Responding to a further question from the Member as to whether it was feasible to impose a condition restricting the height of the proposed building to that of a single storey, the Planning Officer indicated that the imposition of such a condition was feasible.

Another Member commented that she did not feel it was appropriate for a log cabin to be erected at the site.

The Planning Officer advised that the applicant had verbally stated that they would be happy to construct a dwelling of more traditional appearance at the site.

Another Member sought further clarification on the access arrangements to the proposed dwelling.

The Planning Officer responded that due to the agricultural operations being conducted at the site an access point was already available, however, further details on how it would operate in conjunction with the proposed dwelling were anticipated as part of the Reserved Matters application.

Another Member asked why the plan illustrating the extent of land in which the applicant operated his business showed fields in the Scotby area which was some distance away from the application site.

The Planning Officer advised that as part of the application process submission of a Planning Appraisal had been required to enable the Council to assess whether the applicant's agricultural business was of sufficient size to justifiably require an agricultural worker's dwelling. The Appraisal had showed the entirety of the applicant's land, which included areas of Scotby.

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.

2) Erection of Dwellings (Outline) (Revised Application), Land to the west of The Glebe, Rectory Road, Castle Carrock, Brampton, CA8 9LZ (Application 18/0214).

The Principal Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 6 June 2018. The application sought approval for the

erection of up to eight dwellings, including two affordable units, and access arrangements; layout, scale, appearance of the dwellings and landscaping would be the subject of a future Reserved Matters application, in the event that the current proposal was granted permission.

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

The application site was located on the edge of Castle Carrock, and the Principal Planning Officer considered it to be well related to the existing settlement which contained a number of services including a school, public house, church, and village hall. In that context the proposed small scale residential development was deemed acceptable in principle.

Additionally, the site was within the North Pennines Area of Outstanding Natural Beauty (North Pennines AONB), with national and local planning policies requiring that such areas be conserved and enhanced. It was the Principal Planning Officer's view that the proposed scheme would not adversely affect the landscape character of the North Pennine AONB as the site was well related to the existing built form of the village and would be contained by the land to the rear which rose uphill away from the site. The design of the dwellings, the boundary treatment and the landscaping, which would be assessed through a subsequent Reserved Matters application, were considered crucial to the retention of the rural character of the area.

The North Pennines AONB Partnership had confirmed that it did not object to the current application which minimised the loss of the hedge and retained the existing estate railings. The Principal Planning Officer noted that the Partnership had stated that it would not support any further development in this area.

The Local Highway Authority had been consulted in relation to the proposed access arrangements and had not raised objections to the proposals subject, to imposition of a number of conditions which were detailed in the report.

A number of objectors to the proposed scheme had raised concerns that development would exacerbate existing flooding problems within Castle Carrock. The Principal Planning Officer advised Members that the Making Space for Water Group had previously looked into surface water flooding in Castle Carrock, and as a result of their assessment improvements had been undertaken to the highway drainage system, including increasing the size of the pipes used to carry the run off. It was considered that those measures had reduced risk of flooding.

Moreover, the Principal Planning Officer had discussed the proposal with the Lead Local Flood Authority who had indicated that the proposal would reduce the risk of flooding in the area due to the surface water from the field either being discharged into soakaways or being attenuated on site. The Lead Local Flood Authority and United Utilities confirmed that they had no objections to the proposal subject to the imposition of relevant conditions, which were detailed in the report.

The proposed scheme made provision for two affordable dwellings on the site, which would be made available, in the first instance, to people in the Parish.

In conclusion, the Principal Planning Officer recommended that

- a) Authority to Issue be given to the Corporate Director of Economic Development to issue approval of the application, subject to two of the dwellings at the site being made available at a 30% discount.
- b) In the event that the legal agreement not be completed, that delegated authority be given to the Corporate Director of Economic Development to refuse the application.

Ms Goodchild (Objector) objected to the application in the following terms: the proposed development would negatively impact on the rural charm of the existing settlement; in the previous decade permitted development had increased the size of the village by twenty-five percent; no local need for the proposed houses had been demonstrated; the number of services available in the village was decreasing; the proposal would not enhance the beauty or wildlife at the site, and would have a detrimental impact on the North Pennines AONB; the proposed access arrangements would make the use of the adjacent highway more challenging; the proposed modern style of development was out of character with the village; the submission of more than fifty objections demonstrated that the proposal did not have the support of the village.

Ms Holland (Objector – on behalf of Ms Laithwaite and herself) objected to the application in the following terms:

- the adverse impacts of the proposal outweighed its benefits, and therefore was contrary to Paragraph 14 of the National Planning Policy Framework (NPPF);
- the proposal did not comply with the three aspects of sustainable development as set out in the NPPF (economic, social and environmental);
- contributing towards the Council's Housing Target was not a sufficient reason for imposing unwanted housing on an existing settlement;
- the proposed scheme was unlikely to provide significant support to local services;
- the Officer's assessment that the site had low ecological value was incorrect;
- the proposal did not comply with Carlisle and District Local Plan 2015 – 30 (Local Plan) policy SP2 – Strategic Growth and Distribution;
- the Parish Council's rural masterplanning exercise had concluded that the site was the least suitable for development in the village;
- 53 letters of objection had been submitted from a settlement of 110 houses;
- the pavement adjacent to the site was already difficult for pedestrians to negotiate due to cars parking there, the proposed scheme would make the situation worse;
- Lights from vehicles using the site would have an adverse impact on neighbouring properties;
- The site's elevated position in relation to Rectory Road would have an invasive impact;
- Approving the proposal would have a negative impact on the existing community and the nationally important landscape of the North Pennines AONB.

Mr Widdowson (Objector – on behalf of Ms Mason, Messrs Gilchrist and Castle Carrock Parish Council) spoke against the objection in the following terms:

- The significant increase in the amount of housing in the village in recent years;
- Declining service availability;
- Negative impact of the proposal in relation to flooding and increased car usage;
- Negative impact on the local community;
- Development should not take place in the village until a redesigned surface water drainage system had been provided;
- there was no proven need for the development, nor evidence that it would benefit or enhance the community;
- approving the proposed scheme would irreversibly damage the North Pennines AONB landscape;
- the proposed scheme was not compliant with Local Plan policies:
 - G1 – Landscapes;
 - G2 – Areas of Outstanding Natural Beauty;
 - HO2 – Windfall Housing Development;
 - IP2 – Transport and Development;
 - CC4 – Flood Risk and Development;
 - CC5 – Surface Water Management and Sustainable Drainage Systems.

On behalf of Messrs Gilchrist, Mr Widdowson detailed an incident of surface water flooding which had occurred in the village on 2 June 2018 which had been reported to the Highway Authority, but no remedial action had taken place. The Gilchrists asserted that having been notified of that event, and the wider history of the issue in the village, were the Committee to approve the proposal, they reserved the right to request a Judicial Review of the decision.

Mr Widdowson stated that the community and Parish Council were not opposed to development in the village, but considered that for the reasons outlined above that the application should be refused.

Ms Lightfoot (Agent) responded by outlining the background to the application, which had been the change in the Church of England's methods for paying its vicar(s): formerly Glebe land had been designated in order to provide a living, whereas the posts were now salaried, thus the sale of the land would be used towards the salary and pension of the clergy. Ms Lightfoot noted that the Diocese was not unusual in facing financial challenges whilst still seeking to provide ministry in the area.

In terms of the planning history of the site, Ms Lightfoot explained that an earlier application had received objections from the North Pennines AONB, following which the applicant had amended the proposal with input from the organisation. The revised proposal had reduced the overall size of the site, retained the estate fence and minimised the loss of existing hedgerow. Resultantly, the AONB had confirmed it did not object to the revised proposal. Whilst Ms Lightfoot acknowledged that any future Reserved Matters application would need to sensitively respond to the contextual landscape of the site, there was no indication that such a scheme was not achievable.

Planning policies did not provide a right to a private view, rather the principal consideration with regard to views was how a proposed scheme fitted into a landscape and whether it impacted on any protected views. Ms Lightfoot advised that there were no protected views in Castle Carrock, and although there were recognised leisure walks, those were chiefly focussed on the fell or reservoir. She contended that the site was well related to the existing village and thereby compliant with Local Plan policy HO2 and that it was sufficiently contained by the rising land at the rear of the site.

The scale of the development, equated to a five percent increase in the number of dwellings in the village and a twenty percent increase in affordable dwellings (based on data from the 2011 Census), which were much needed in the rural area but not always provided on-site at permitted developments. The rural masterplanning exercise which had been undertaken did not form part of the adopted Local Plan, which was the policy background for the determination of the application.

Ms Lightfoot noted that neither the Highway Authority, the Lead Local Flood Authority, nor United Utilities had objected to the proposal, thereby providing no basis for the refusal of the application on those grounds. She considered that the benefits in terms of affordable and open market housing supply, the continuing provision of church ministry in the area, and the lack of objection from the North Pennines AONB outweighed the loss of an area equivalent to 0.0002% of the Area of Outstanding Natural Beauty. In addition, the existing village had a number of services which would be further supported by the development.

The Committee then gave in-depth and detailed consideration to the application.

A Member expressed serious concerns regarding the proposed scheme, in particular, the site's location within the North Pennines AONB and its greenfield nature. She was further concerned that the surface water run-off from the site would add to the existing drainage problem in the

village and that the additional vehicles the scheme would generate would have a negative impact on road safety and parking in the area. She moved that the application be refused permission on the grounds that it was not compliant with Local Plan policies: GI 6 – Trees and Hedgerows; HO1 – Housing Strategy and Delivery, and CC 5, GI 2, and HO2.

The Principal Planning Officer responded that with respect to policy GI 2, he had held discussions with the North Pennines AONB Partnership, which had not objected to the proposed scheme, although it had objected to an earlier application at the site. In terms of the proposal's accordance with policy HO2, the site was too small to have been allocated in the Local Plan, however, the Council's Planning Policy Team had assessed the proposed scheme and concluded that it was compliant with the policy.

None of the Statutory Consultees responsible for drainage issues (Lead Local Flood Authority and United Utilities) had objected to the proposal, in fact, Cumbria County Council as Lead Local Flood Authority considered that the development of the site would lead to an improvement in drainage in the village as surface water run-off from the site would be controlled through use of soakaways or attenuation mechanism(s).

Regarding parking provision, the Principal Planning Officer stated that the development would cater for its own needs, he further noted that as mitigation for a loss of 10 metres of the existing hedgerow at the site, condition 5 of the proposed consent required the submission of a landscaping scheme for the site.

Another Member stated that he had read the North Pennines AONB response to the consultation on the application via the Council's Planning Portal. He considered that the consultee's response had not provided the organisation's definitive view of the proposed scheme, consequently it was for the Committee to determine the balance of the benefit and harm the application would have on the area.

The Member felt that the site visit had been very useful for the Committee as it enabled Members to view the open vista of the Pennines at the entrance of the village, which objectors were concerned would be lost. He noted that when that aspect was looked at from the road, the view was primarily of the site and its fencing, consequently the Committee's primary concern ought to be determination of the proposed scheme's impact on existing housing and the entrance to the village.

The Member further considered that design of the houses was a key feature of the proposed scheme and as far as possible it should seek to improve the visual aspect of the entrance to the village, while not impacting on the North Pennines AONB. Given that the land ground level rose at the rear of the site, he suggested that either the dwellings be restricted to single storey height or that the roof line of the houses be broken up to mitigate the scheme's visual impact on the North Pennines AONB. The Member questioned whether consideration had been given to designating the site as a Community Asset.

The Principal Planning Officer agreed that the dwelling design was a crucial aspect of the scheme, he advised that the North Pennines AONB had policies covering design issues within its area of responsibility, and that the organisation had indicated that it wished to be involved in the consultation for any future Reserved Matters application.

Regarding the suggestion that the dwellings be restricted to single storey height, the Principal Planning Officer did not consider such a requirement was appropriate given the siting of two storey dwellings in the vicinity of the application site. He was not aware of any discussions having taken place in relation to designating the site as a Community Asset.

Turning to the issue of drainage, a Member made reference to the “Jacobs Report” which detailed the results of a survey of the drainage infrastructure in Castle Carrock in 2008, and had concluded that the system was not able to effectively process the volume of discharge generated by the properties in the village. For that reason he questioned whether the proposal was compliant with Local Plan policy CC4.

The Principal Planning Officer advised that the Jacobs Report had made a number of recommendations for improving the drainage infrastructure, including the widening of pipes, which had been implemented.

The Member sought further detail on the requirement for the applicant to carry out ground investigations to BRE 365 standards, and whether those investigations had been undertaken.

The Principal Planning Officer explained that the purpose of the ground investigations was to identify the most appropriate method(s) for managing surface water at the site, based on a hierarchy of mechanisms set out in the NPPF. The preferred method was the incorporation of soakaways into the site, in the event that such structures were not viable, attenuation mechanisms would be considered. He confirmed that the investigations had not taken place, as the applicant was awaiting the outcome of the Committee’s determination of the proposal.

In response to a further question from a Member regarding possible locations within the site for attenuation pond(s), the Principal Planning Officer indicated that surface ponds may not be the form of attenuation selected, underground attenuation tanks were another method by which water was able to be managed.

A Member asked whether the proposed access arrangements necessitated the removal of any trees at the site.

The Principal Planning Officer displayed the proposed access junction plan on the screen which indicated that the existing trees would remain at the site.

The Member further asked whether the existing road sign on the pavement adjacent to the site would be retained.

The Principal Planning Officer stated that were the sign within the visibility splay of the site access it would need to be removed.

Another Member expressed dissatisfaction that the report had made reference to the proposed scheme’s contribution to the Council’s Housing Target, and the Agent’s explanation of the background of the application being the need to fund clergy wages. It was his view that the application had not sufficiently demonstrated how the proposed scheme would support the existing services in the village. He seconded the proposal to refuse the application.

The Development Manager responded that the Council identified housing need on a district wide basis and that the housing target was calculated in the same manner. The purpose of the Agent’s detailing of the background to the application was to demonstrate how the proposed scheme would support the local church which was a service within the village.

The Development Manager further noted that the Principal Planning Officer had received confirmation that the village primary school had capacity to enrol additional students.

A Member commented that he felt that the Committee had effectively debated the proposal, however, he considered the primary factor in the proposed scheme was the design of the

dwelling, which would be received in a future Reserved Matters application. He moved the Officer's recommendation, which was seconded.

Responding to a question from a Member as to whether the monies from the sale of the site were ring-fenced to the local church, the Principal Planning Officer indicated he did not have that information.

The Legal Services Manager responded that the issue was not a planning matter.

A Member expressed disappointment that a children's play area had not been incorporated into the scheme.

The Principal Planning Officer responded that Open Space contributions were only required in developments of more than twenty dwellings, therefore there was no basis in Council policy by which such a contribution was able to be requested.

The Corporate Director of Economic Development appreciated the Member's concern and undertook to review Section 106 monies to identify possible funding for such a provision.

The Chairman noted that a proposal to refuse permission had been moved and seconded, and that the Officer's recommendation had been moved and seconded. The proposal to refuse the application was put to the vote but was not carried. Whereupon, the Chairman put the Officer's recommendation to the vote and it was:

RESOLVED: That Authority to Issue be given to the Corporate Director of Economic Development to issue approval of the application, subject to a legal agreement to secure two of the dwellings at the site being made available at a 30% discount.

b) In the event that the legal agreement not be completed, that delegated authority be given to the Corporate Director of Economic Development to refuse the application.

The meeting adjourned at 11:40am and reconvened at 11:50am

Councillor McDevitt left the meeting.

3) Change of Use from Guest House (Use Class C1) to Dwelling house (Use Class C3), Hazeldean, Orton Grange, Carlisle, CA5 6LA (Application 18/0283).

Councillor Shepherd removed himself from his seat and took no part in the discussion nor determination of the application.

The Planning Officer submitted the report on the application which sought full planning permission for the change of use of Hazeldean Guest House to a dwelling.

Slides were displayed on screen showing; red line boundary; block plan; proposed streetscene; site layout; existing and proposed elevation plans; photographs of the site, and the adjacent highway and existing properties in the vicinity of the site, an explanation of which was provided for the benefit of Members.

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

Councillor Allison (Ward Member – on behalf of Orton Grange Park Residents' Association, and self) read out a statement on behalf of the Chairman of the Residents' Association which

apologised for describing the future occupiers of the dwelling as “disturbed children” in their response to the consultation on the application. The reference had been based on information found on the applicant’s website. It was now understood that children with learning difficulties would not be cared for in the dwelling and the Chairman undertook to ensure that residents were aware of the situation, and sought to develop a good working relationship with the Service Manager at the property. However concerns remained regarding the safety of children in a dwelling so closely located to the A595.

Councillor Allison stated that he had been advised that there were no planning matters on which to base refusal of the application, he welcomed the Chairman of the Residents’ Association wish for the organisation to develop a working relationship with the Service Manager. Whilst he shared and appreciated the resident’s concerns regarding road safety, overall he supported the application.

Mr Adis (Agent) addressed the Committee and provided an overview of the business history of the applicant, noting that the children who were to reside at the property would be supervised and that the level of noise generated in the property would not differ from that of a private residential dwelling. In terms of a planning assessment, the end user of the building was not as significant as the consideration of the request for the Change of Use, Mr Adis contended that the proposed use of the building was a viable, sustainable alternative to its current operation. Mr Adis considered that the application accorded with national and local planning policy, and requested that it be approved.

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

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

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

Councillor Graham removed himself from his seat and took no part in the discussion nor determination of the application.

The Development Manager submitted the report on the application and reminded the Members that the Committee, at its previous consideration of the application had determined to defer the application in order that a number of concerns identified by both Members and objectors be further addressed.

In considering the issues raised by objectors and Members, the applicant had revised the site layout such that Plot 1 had been relocated a further 2metres away from the roadside. Whilst this was considered a significant amendment, it allowed additional planting to be incorporated and the setting back of the proposed dwelling ensured that the converted former White Quey building would remain dominant along the roadside.

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

Further to the production of the report, the Lead Local Flood Authority had confirmed it was satisfied with the proposed drainage measures. Therefore conditions 20, 21 and 22 of the

original Outline Permission were able to be discharged, subject to implementation of the approved drainage scheme. Consequently, the Development Manager proposed that condition 1 of the permission pertaining to the current application be updated to include reference to those conditions.

Objectors had been raised regarding the proposed drainage system, in particular the management and maintenance arrangements thereof. The applicant proposed that the future owners collectively maintain the common infrastructure on the site, including responsibility for the septic tank, with the responsibility for maintenance being managed by covenant. The Development Manager noted that on larger sites it was common that a management company be appointed to undertake and oversee such works, however, given the scale of the site, he considered it more appropriate that residents dealt with such matters with collective responsibility. United Utilities' consultation response made reference to residents taking management responsibility for drainage infrastructure, thus the proposed arrangement were not unusual.

In addition, the Lead Local Flood Authority made reference to ensuring that inspections of the drainage system were carried out on a regular basis, for example, bi-annually. The Development Manager advised that, were Members minded to so do, they were able to impose a condition requiring a log of inspections to be kept, which Officers would be able to inspect. The Development Manager further explained that an Ordinary Watercourse Consent was still required for the drainage discharge into the stream, was subject to a separate consenting process.

In conclusion, the Development Manager recommended that the application be approved, subject to the conditions detailed in the report, along with an amendment to Condition 1 to include reference to the discharge of conditions 20-22 of the Outline Permission.

Ms Robson (Objector – on behalf of Ms Bell Macdonald, Ms Wilkinson, Mrs Harman and Mrs Oldman) welcomed the revisions the applicant had made to the scheme following the Committee's last consideration of the proposed scheme, particularly in relation to layout and landscaping. However, concerns remained regarding the impact of the development on the character and appearance of the surrounding area which was contrary to Local Plan policy HO 6 - Other Housing in the Open Countryside, and whether permitting the scheme would enable development on neighbouring sites.

Ms Robson further expressed concerns regarding the operation of a septic tank or sewage system in close proximity to farmland and a watercourse, and asked who should be contacted were the system to leak or fail. Ms Robson welcomed the additional information that the developer had submitted in relation to the management and maintenance of the system, but felt more detail was needed. Furthermore, the wording of the agreement needed to be clear and robust for the purpose of future owners having clarity regarding their responsibilities. To that end, Ms Robson requested that the Committee consider imposing a condition requiring a comprehensive, legally binding management arrangement be set up for the lifetime of the sewage system.

Councillor Allison (Ward Member) addressed the Committee and noted that the community in the area were keen to see the derelict and dilapidated site redeveloped. He appreciated Ms Robson's concerns in respect of the management of the drainage system, and had held discussion with the applicant on the matter, which had satisfied his concerns.

Councillor Allison felt that the applicant had responded positively to the issues raised by the Committee at its previous consideration of the scheme, and hoped that the revisions were sufficient to merit the Committee's approval of the scheme.

The Committee then gave consideration to the application.

A Member welcomed the layout and landscaping revisions the applicant had proposed. However, he agreed the objector that the management and maintenance of the foul water drainage system was necessary, he sought clarification on the process for approving those mechanism.

The Development Manager drew the Committee's attention to the Supplementary Schedule which set out the detailed proposal pertaining to the management and maintenance of the proposed drainage system. He noted that whilst the licensing of the system came from a different consenting process to planning permission, should Members consider it necessary a condition was able to be include in the planning permission requiring the keeping of a log of inspections carried out on the system, which would be available for inspection by the Local Planning Authority.

In terms of neighbouring landowners and farmers having information on whom should be contacted in the event of a leak from the system, the Environment Agency ought to be the first point of contact. However, should they wish to arrange a contact with the system's management company, they should liaise with the developer in that respect.

Responding to a comment from a Member about the difficulties of residents understanding the operation of a septic tank, the Development Manager appreciated the concern, but felt that was a matter for the developer and those residing at the dwellings in the future.

A Member moved the Officer's recommendation, along with the imposition of a condition requiring the keeping of a log book of inspections of the sewerage system, to be available for inspection by the Local Planning Authority. The proposal was seconded, and following voting it was:

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

Councillors Graham, McDevitt and Shepherd resumed their seats.

5) Formation of Hardstanding; Erection of proposed agricultural shed, Land opposite Crossgate Cottages and Park Terrace, Crossgates Road, Hallbankgate (Application 17/1097).

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 6 June 2018.

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

The Planning Officer noted that the proposed hardstanding would run in close proximity to the existing field boundary, with the existing gate being used as access. The proposed shed would be faced in a mixture of timber and stone with a box profile roof. It was the applicant's intention to restore the land allowing the field to become more usable for livestock.

Further to the production of the original report, comments were received from Farlam Parish Council who considered the building was too large given the amount of land it would serve, they further expressed concern that approving the application would open the way for a future application for a dwelling.

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

The Committee then gave consideration to the application.

A Member noted that the applicant lived in Dumfries and Galloway, she asked how it was proposed that the livestock on the site would be looked after.

The Planning Officer stated that the applicant had informed her that he had connections who resided within the vicinity of the site whom would be able to check on the livestock during the week, and that the applicant would visit the site at weekends.

Responding to a Member's request for further detail relating to the enforcement action the Council had taken regarding the site, the Planning Officer informed the Committee that following the identification of illegal structures at the site, the applicant had been invited to submit an application for relevant and appropriate Planning Permissions to rectify the situation. The applicant had submitted a previous application for a shed, which the Officer had considered to be too large scale for the site that was overlooked by residential properties. The Planning Officer had worked with the applicant to revise his proposals, which had led to the application before Members. She further noted that a condition had been included in the proposed consent which restricted the use of the shed to those related to agriculture.

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

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

- 6) Erection of 3No. detached dwellings without compliance with condition 2 imposed by planning permission 16/0261 to retrospectively amend the design and roof from a hip to a full gable end and other revisions to the design of plot 3, Plot 3 (Fallows End), Land to the rear of Elmfield, Townhead, Hayton, Brampton, CA8 9JF (Application 17/1066).**

The Planning Officer submitted the report on the application which had been the subject of the site visit by the Committee on 6 June 2018.

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

The application related to Plot 3 of a previously approved three house development (application 15/0876). In submitting the current proposal, the applicant sought a number of alterations including: the omission of stone window sills and lintels; the positioning and size of some windows and doors; the omission of render throughout; the inclusion of roof mounted solar panels; and the substitution of a hipped roof to that of a full gable on the northern elevation facing the highway.

The Planning Officer noted development of the plot was almost complete and that the property was occupied, accordingly, the applicant required Retrospective Planning Permission for the revised design to reflect the as built site conditions which were not in accordance with the previously approved plans.

The Committee was reminded that at its site visit on 6 June 2018 revised elevation plans had been circulated to Members, the document had been marked as revision E and it replaced the drawing included on page 109 of the Main Schedule. In the event that the application was approved, Condition 1 of the Consent would be reworded to include the revised drawing as an approved plan.

The revised plan included the solar panels, as installed on the south facing roof slopes which had not been included on the approved plan, however, they had been considered as part of the Planning Officer's assessment, therefore no change to the report or recommendation had been required.

No location plan or site plan had been included in the Main Schedule as such information was not required for this type of application. The location plan and site plan, as approved in the previous grant of planning permission, would continue to form part of the approved documents.

The Planning Officer advised that the two primary material planning considerations in the assessment of the application Member should consider were; whether the revised design was considered acceptable in the context of the site and the surrounding area; and the impact of the proposed revisions on the residential amenity of any neighbouring property. Those matters were fully addressed in part six of the report.

The Planning Officer considered it disappointing that the applicants had chosen to implement the scheme without first seeking the Local Planning Authority's approval for the revised design; however, that was not sufficient reason for refusing the application. In conclusion, the Planning Officer recommended that the application be approved, subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

A Member commented that he understood that the Council had been informed of the breach of Planning Consent in 2016. Given that two years had elapsed between the notification and the presentation of the report to the Committee, he felt that should the Committee refuse permission, the applicant would need to undertake a large amount of work to bring the dwelling into a state of compliance with the original planning permission, and that to do so would be financially onerous.

The Development Manager confirmed that notification of the breach of Consent had been received in 2016, following which Officers had liaised with the agent and builder with the aim of seeking the submission of a revised proposal. Subsequently, discussions had taken place with the property owners, who submitted a revised application in 2017 which had undergone the validation process within the usual time frame, however, the applicant had been required to submit revised drawings which had extended the application processing time.

In the event that the Committee determined to refuse the application, consideration would need to be given as to what action the Council would take to address the situation, as some of the revisions made to the building were allowable under Permitted Development Rights (PDR). The Development Manager explained that PDR was applicable to occupied dwellings only, alterations undertaken during construction did not fall into that category and were considered as breaches of consent. He further advised that whilst the Council was able to take enforcement action in relation to the breach, the applicant also had a right of appeal with the Planning Inspectorate should the current application be refused permission.

A number of Members expressed strong dissatisfaction that the dwelling at Plot 3 had not been constructed in accordance with the approved plans and that it was not in-keeping with the

character of the surrounding area or the design of the two other dwellings at the site, particularly in relation to the roofline. Clarification was sought as to whether altering the roof from a hip to a gable construction was acceptable under PDR.

The Planning Officer confirmed that such an alteration was usually permissible under PDR, however, those rights had been removed from the site as part of previously issued consent (planning approval 13/0455), therefore such an alteration required the permission of the Local Planning Authority.

A Member observed that the Council had latterly begun to use the term “strictly in accordance with” in the planning permissions it issued, he noted that the previous consent was issued prior to that change.

The Planning Officer responded that whilst the original consent had not contained that wording “strictly in accordance” the Council’s intention was clear that development was to be carried out in accordance with the approved plans and documents.

The Legal Services Manager confirmed that the omission of the words “strictly in accordance” did not impact on clarity of the decision. She directed Members to consider, had the alterations made in the construction of the dwelling formed part of application 15/0876, Members would have been minded to refuse permission.

A Member was concerned that were the Committee to approve the application it would set a precedent whereby developers applied for planning permission and upon receiving consent constructed developments that did not accord with the approval given.

The Corporate Director of Economic Development appreciated the Member’s concern, and stated that enforcement action would be undertaken were Members to determine it was necessary.

Another Member commented that he was reassured by the Corporate Director’s comments, he questioned the appropriateness of the Officer’s recommendation to approve the application.

The Legal Services Manager reminded Members that retrospective planning applications were permitted in law, therefore the Officer’s recommendation was valid.

In response to a question from a Member, the Development Manager detailed the ownership of the site and how that related to the various stage of its planning history. He further outlined the potential issues relating to the sale of dwellings without the appropriate planning consent.

Reflecting on the Committee’s debate, a Member considered that the cumulative impact of the alterations made during construction, particularly in relation to inclusion of a gable extension rather than a hip roof, had resulted in a dwelling that was not complimentary to the character and context of its surroundings. The alterations made to the dwelling in construction meant that the dwelling was not compliant with Local Plan policy HO8 – House Extensions as the incorporation of a full gable rather than a hip roof created a feature that was neither visually subservient nor complimentary to the existing buildings at the site. The Member sought clarification as to whether policy HO 8 was sufficient grounds upon which to base refusal of the application.

The meeting adjourned at 13:02 and reconvened at 13:42

The Development Manager confirmed that the Local Plan policy HO8 could be considered reasonable grounds on which to base refusal of the application, due to the as constructed

dwelling being physically extended beyond what had been permitted by the Consent given under application 15/0876. He added that, given the Committee's concerns in relation to design matters, Members may wish to consider whether, in their view, the proposal was in accordance with Local Plan policy SP 6 – Securing Good Design.

The Member stated that in constructing the dwelling several diversions from the original planning permission had taken place, and in the context of the removal of the Permitted Development Rights, which in his view was a material planning consideration; the erection of a full gable roof was effectively an extension of the property. Moreover, in removing the Permitted Development Rights the Committee had indicated a view regarding what it considered appropriate for the development of the site in terms of scale and design.

On that basis the Member moved that permission be refused on the grounds that the application was not compliant with Local Plan policy SP 6 Securing Good Design and policy HO8 House Extensions. The proposal was seconded, and following voting it was:

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

DC.61/18 STANDING ORDERS

During consideration of the above item 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.

DC.62/18 CONTROL OF DEVELOPMENT AND ADVERTISING

7) Erection of 1no. Dwelling (Outline), Land adjacent Westwood, Heads Nook, Brampton, Cumbria, CA8 9AE (Application 18/0070).

A Member proposed that determination of the application be deferred in order for an ecological survey of the site to be undertaken, and that a further report be presented to a future meeting of the Committee.

RESOLVED: That determination of the application be deferred in order for an ecological survey of the site be undertaken and that a further report be presented to a future meeting of the Committee.

8) Erection of two storey rear extension to provide a kitchen/diner on ground floor with bathroom, bedroom and balcony above together with the erection of a detached garage, Sundown Cottage, Burgh by Sands, Carlisle, CA5 6AX (Application 18/0101).

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

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

9) Extension to existing storage building, NWF Agriculture Limited, Woodside Road, Sandysike Industrial Estate, Carlisle, CA6 5SR (Application 18/0153).

The Planning Officer submitted the report on the application which sought approval for the erection of a steel portal framed building to provide an additional storage building. The proposed structure would form an extension to an existing building located on the southern boundary of the main part of the site and; would measure 6.25 metres in width by 20 metres in length and would be constructed over an existing area of hard standing. The application proposed a mono-pitched roof measuring 7.4 metres at its highest point, sloping down to 5.4 metres at the rear. The applicant intended that the building would provide additional covered storage facilities for items that are currently stored externally within the site.

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

In overall terms, the Planning Officer considered that the principle of additional development on the site to be acceptable, as, the proposal was well related to the existing commercial operation and whilst visible, would not result in any demonstrable harm to the visual amenity of the area. Moreover, the proposed extension would not affect the living conditions of the occupiers of neighbouring properties or raise any highway issues.

The Planning Officer advised that proposed Condition 4 prohibited any potential future use for production or manufacturing purposes. In all aspects the proposal was considered to be compliant with the objectives of the relevant Local Plan policies therefore, the Planning Officer recommended that the application be approved, subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

A number of Members noted that there was an existing issue regarding noise emissions from the site, which some local residents had brought to the attention of the Council's Environmental Health Team. A Member asked whether the proposed extension was able to be fitted with sound proof materials in order that the existing issue was not exacerbated.

The Planning Officer stated that he understood the Council's Environmental Health Team had been liaising with the site's operator to develop a noise reduction programme for the site. He further noted that the Council's Environmental Health Team had not raised any objection to the application.

With regard to the suggestion that the extension be sound proofed, the Planning Officer noted that the application proposed a large doorway as part of the construction of the extension, which he considered would negate the effectiveness of installing sound proofing materials. However, he advised that the orientation of the doorway was to the south-west of the site, and as such it was not considered that the proposed extension would impact on the noise levels from the site currently experienced by neighbouring residential properties as they were to north-east side of the site.

In relation to proposed condition 4, the requirement pertained to the extension, therefore, were the ownership of the site to change in the future, the condition would remain extant.

A Member appreciated the Officer's comments regarding the configuration of the extension offsetting the valid use of sound proof materials, he suggested that consideration be given to the use of airflow baffles as a means of noise mitigation, and noted that incorporating such

measures during the initial construction phase was the most cost effective way to implement such features.

The Planning Officer responded that the purpose of the proposed extension was the storage of materials, rather than the carrying out of industrial process, consequently, no need for such measures had been identified.

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

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

- 10) Part Retrospective Planning Permission for the Change of Use of Paddock Area to provide additional garden and parking area together with erection of a detached garage without compliance with condition 2 (Approved Documents) and Condition 5 (Boundary Hedgerow) Imposed by Planning Permission 16/1054 for the internal fence adjustment from 1.8m to 2.6m high close boarded fencing and the retention of the western, eastern, and southern hedgerow boundaries to be retained at a height of not less than 2.6 metres in height in lieu of 2 metres, Croftfield, Aglionby, Carlisle, CA4 8AQ (Application 18/0290).**

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

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

- 11) Erection of two storey extension to provide utility and en-suite bedroom on ground floor with study/dayroom above, Moat Villa, Moat Street, Brampton. CA8 1UJ (Application 18/0207).**

Councillor Shepherd having declared a disclosable pecuniary interest in the application removed himself from the Council Chamber and took no part in the discussion nor determination of the application.

The Principal Planning Officer submitted the report on the application noting that an earlier proposal for two additional gables at the rear of the dwelling had been objected to by a neighbouring resident and the Parish Council.

Slides of the application site were displayed on screen for the benefit of Members.

The applicant had subsequently revised the scheme, reducing the ridge height to provide dormer windows at eaves level, and no objections had been received to the amended proposal, therefore, the Principal Planning Officer recommended that the application be approved, subject to the conditions detailed in the report.

A Member, noting that the application site was in a Conservation Area, sought clarification as to whether proposed extension would be finished in brick or render.

The Principal Planning Officer advised that a render finish was to be used on the proposed extension.

Another Member asked whether the proposal, if approved, would impact on the car parking provision in the area.

The Principal Planning Officer responded that the car parking provision in the vicinity of the application site, which was on-street, would be unaffected by the proposal.

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

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

DC.63/18 APPLICATION FOR WORKS TO A TREE PROTECTED BY A TREE PRESERVATION ORDER

The Development Manager submitted report ED.19/18 which considered an application to undertake works to trees subject to Tree Preservation Order 277 – 3 Lime House Gardens. He provided an overview of the planning history of the site and a previous proposal, by a former owner of the site, to fell the tree which was subject to the current application. The current applicant had previously requested to fell the tree, but following the receipt of a number of objections and subsequent discussions with the Case Officer had submitted an amended proposal which sought the removal of a branch and crown reduction to rebalance the tree.

Slides of the tree, subject to the application were displayed in screen for the benefit of Members.

A further consultation on the amended application had been undertaken and a number of objections were still received, following which the views of an independent arboriculturalist were sought. The independent report advised the removal of the limb which leaned towards the property and a reduction of the tree's crown by up to 2 metres in order to rebalance the tree. On that basis, the Development Manager recommended the application for the works be approved.

A Member commented that he considered that the proposed works would improve the health and life expectancy of the tree, therefore, he moved the Officer's recommendation which was seconded, and following voting it was:

RESOLVED That permission be granted for the reduction of the crown of the maple tree, listed in the Order, by a maximum of two metres and; the removal of a low limb of the tree along with the addition of topsoil to the exposed surface roots.

DC.64/18 PUBLIC AND PRESS

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following items of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 2 of Part 1 of Schedule 12A of the 1972 Local Government Act.

DC.65/18 QUARTERLY REPORT ON PLANNING ENFORCEMENT

(Private by Virtue of Paragraph 2)

Councillor Tinnion having declared an interest in the item of business left his seat and took no part in the discussion of the report.

The Development Manager submitted report ED.18/18 – Quarterly Report on Planning Enforcement which set out details of a number of enforcement case being dealt with by the Council. He provided a verbal update on progress regarding a number of the cases which had occurred following the production of the report.

A Member sought clarification regarding the graphical information illustrating the types of enforcement cases being addressed by the Council.

In response the Development Manager explained the format of the graphs.

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

RESOLVED – That the content of the report be noted.

[The meeting closed at 14:39]