

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 10 JULY 2015 AT 10.00 AM

PRESENT: Councillor Scarborough (Chairman), Councillors Bloxham, Mrs Bradley, Caig, Cape, Earp, McDevitt, Mrs Parsons, Ms Patrick, Shepherd and Mrs Warwick

ALSO

PRESENT: Councillors Burns and Collier attended the meeting as Observers.

OFFICERS: Director of Economic Development
Development Manager
Principal Lawyer
Principal Planning Officer
Planning Officers (x4)

DC.57/15 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Christian.

DC.58/15 DECLARATIONS OF INTEREST

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

Councillor Earp – Interest – Application 15/0018 – land adjacent Castellane House, Sandy Lane, Great Corby, Carlisle, CA4 8NQ – one of the objectors is a personal friend

Councillor Earp – Interest – Application 15/0378 – land to the north of Moor Yeat, Plains Road, Wetheral, CA4 8LE – the applicant is the son of a personal friend

Councillor Mrs Parsons – Interest – Application 15/0436 – Little Orton Farm, Little Orton, Carlisle, CA5 6EP – the occupants of adjacent properties are relatives

Councillor Mrs Warwick – Interest – Application 15/0081 – Bramblebeck Cottage, Moor Park, Thurstonfield, Carlisle, CA5 6HB – a member of the family is known to her

DC.59/15 MINUTES OF PREVIOUS MEETINGS

The Minutes of the site visits held on 8 July 2015 were noted.

DC.60/15 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Principal Lawyer 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.61/15 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 1no dwelling (Revised Application), land adjacent Castellane House, Sandy Lane, Great Corby, Carlisle, CA4 8NQ(Application 15/0018)

Having declared an interest Councillor Earp left the Chamber and took no part in the consideration or determination of the application.

The Planning Officer submitted the report on the application which had been the subject of a site visit held on 8 July 2015. The application had been advertised by means of site and press notices as well as notification letters sent to 33 neighbouring properties. In response 25 letters of objection had been received at the time of writing the report and the Planning Officer summarised the issues raised therein. Two further letters of objection were included in the Supplementary Schedule and the Planning Officer summarised the issues raised in a further letter which had been received.

The Planning Officer presented slides and photographs including site plans and elevations, sketch perspectives and photographs taken from various points around the site.

The Planning Officer reminded Members that the site was in the Great Corby Conservation Area and Members would need to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. There were four Listed Buildings in close proximity to the application site and Members were advised to have special regard to the desirability of preserving the setting of the Listed Buildings.

The Planning Officer believed that the proposed house was a well-designed traditional dwelling and advised that the Council's Heritage Officer and the Conservation Area Advisory Committee had been consulted. The Conservation Area Advisory Committee welcomed the revised design and considered that the application should be approved. The Council's Heritage Officer had no objections to the proposal as the scale of the dwelling had been reduced and traditional features such as overhanging eaves, finials to the gables and a chimney had been added. The Parish Council had no objections to the proposal.

The Planning Officer explained that the new dwelling would be an acceptable distance from neighbouring properties and the minimum distances between dwellings had been exceeded. The proposed dwelling originally had three balconies but now had only a small balcony in the two-storey section that was set back behind the two-storey gable.

A number of trees would be removed but the Council's Tree Officer had no objections to the loss of the trees which were generally of poor condition. New trees would be added as part of a comprehensive landscaping scheme.

Concerns had been raised about surface water run-off which could cause flooding to properties below the site. The County Drainage officer had been consulted and had raised no objections subject to conditions that would ensure that the applicant had to submit full details of the surface water drainage scheme for approval. That would need to demonstrate that no flooding would occur on any part of the site for a 1 in 30 year event and flooding would not occur to any building in a 1 in a 100 year event.

On the site visit a number of Members raised concerns about construction traffic. The Planning Officer advised that the applicant would need to address that issue and it was not uncommon that large vehicles could not access the site. The Committee had previously granted permission for the significant redevelopment of a property at Ringford which would use the same access through the village as the application.

The Planning Officer suggested that a standard condition could be imposed with regard to hours of construction.

The Planning Officer recommended approval of the application.

Mrs Aspinall(Objector) addressed the Committee and stated that the revised application had not addressed the previous issues. Her property would be directly overlooked and the screening would be inadequate especially in winter. Mrs Aspinall believed that the site was inappropriate for such a large house.

Paragraph 6.6 of the report stated that the house would enhance the vitality of the rural community. Mrs Aspinall advised that the community was already vibrant with a busy pub and school. That had the knock on effect of road congestion at busy times making it impossible for large vehicles to pass.

Issues around drainage had not been addressed and a number of properties had experienced flooding in the past. The amount of disruption to the soil for such a large house would be significant. Mrs Aspinall was not aware of any survey of the land being carried out, nor had there been any investigation into the source of the natural well. Any change in the natural water course could cause damp in her property.

Mrs Aspinall urged the Committee to refuse the application as it would be over-dominant, would lead to an invasion of privacy, was inappropriate for that part of the Conservation Area and would have a detrimental impact on the Listed Buildings.

Mr Dymond (Objector) addressed the Committee and presented photographs taken from the area. He explained that the area was characterised by the 18th and 19th century stone properties, four of which were Listed Buildings. The proposed house would be built on the most prominent site in the Conservation Area and would tower above the Listed Buildings. The house would be the same size as Castellane House which had been built before the designation of the Conservation Area. Great play had been made of the single storey element but the most visible sides of the property would be two storey.

As the land banked steeply behind Mr Dymond's house the ground floor level of the proposed dwelling would be higher than the ridge height of his property and would therefore be over-dominant and severely impact on the Listed and other historic buildings.

Thirty three objections had been received including one from the descendant of Mr Betts who was instrumental in setting up the Conservation Area. Mr Dymond could see no public benefit in the development and therefore urged Members to refuse the application.

Mr Taylor (Objector) addressed the Committee and reminded Members that they had a statutory duty to have special regard to the desirability of preserving the Listed Building or its setting. There was a similar duty in respect of the Conservation Area. Members would have seen, on the site visit, the contribution that the group of buildings made to the character of the Conservation Area. The proposal would cause harm to the setting of the Listed Buildings and the Conservation Area in terms of its design, unsympathetic visual impact, the loss of trees and the development of the skyline which would create a relatively modern development sitting in a dominant position that would overwhelm views of the traditional buildings.

There would be no enhancement to the area. The report referred to the National Planning Policy Framework which set out the differing approach upon the degree of harm caused and stated that if the harm was substantial permission should be refused. However if less than substantial that harm should be weighed against the public benefits of the proposal. Mr Taylor found it difficult to see what public benefits there would be from the proposal.

Mr Taylor stated that the report gave no guidance as to how to apply the various policy tests and paragraph 6.13 appeared to be misdirected to the wrong test as the reference in the National Planning Policy Framework was to plan-making and not dealing with applications. In that context other than listing the emerging Local Plan policies, in particular HE3 and HE7, there was little discussion as to its guidance.

Both emerging policies dealt with the preservation and enhancement of the area and HE3 also required proposals to be sympathetic in scale, character and materials. Policy HE7 dealt with the design, massing and height in relation to adjacent buildings. There should be no unacceptable impact on the skyline and setting of the Conservation Area, important open spaces or significant views into, out of and within the area. The character of the Conservation Area, the effect upon the setting of the Listed Buildings, the degree of harm that would be caused and the public benefits were a matter of judgement. In applying that judgement Mr Taylor urged the Committee to consider the issues raised and to refuse the application.

Mr Swarbrick (Agent) responded to the issues raised and explained that the application was a modified scheme following comments made on the original design. The issues had been in respect of the scale and mass of the building together with the perceived overlooking of the properties below the site. Based on those comments the original application had been withdrawn. Dialogue had continued with the Planning Officer and the Conservation Officer and the mass and scale had been reduced and the proposed house repositioned to mitigate concerns of overlooking. It was now considered that the revised design was appropriate to the Conservation Area and adjoining neighbouring properties. Further amendments to the scheme had been made and 3D images indicated the slopes of the site and the stepping down of the building. The current scheme had the support of the Planning and Conservation Officers and the Conservation Area Advisory Committee. The Parish Council had not raised any objections to the proposals.

Mr Swarbrick presented slides indicating the ridge heights of the proposed property and Castellane House which would be just over 1m higher than the proposed dwelling. The stepping of the roof substantially reduced the mass of the building as it stepped down the site.

With regard to overlooking the properties to the south of the new dwelling were a minimum of 26m from habitable windows on the horizontal, and the substantial difference in levels would mitigate overlooking further. The scheme also proposed a landscaped screen to the south of the building.

With regard to drainage Mr Swarbrick advised that he had been involved with many schemes on similar sloping sites. The same amount of water would gather on the ground following periods of wet weather and the new building offered the opportunity to gather and attenuate the water in a controlled manner and discharge that water in a calculated way to soakaways. If the application was approved there would be a requirement for an engineer to design a storm water system that ensured that there was no surge of water at any point but that storm water would be discharged in a controlled manner ensuring no impact on surrounding areas. Approval would be needed from United Utilities before any work commenced.

A full construction management plan would be implemented to ensure disruption during construction was minimised. Mr Swarbrick had plenty of experience working on sites where access had to be considered carefully during the build period. That plan would need to be approved by the planning department before work commenced.

Mr Swarbrick advised that he had worked closely with the planning department to provide an attractive and modern building, appropriate to its setting and requested Members to approve the application.

The Committee then gave consideration to the application.

A Member stated that the report indicated that United Utilities had not responded to the consultation and queried whether any response had been received since publication of the report. The Planning Officer advised that United Utilities had not responded but the County Drainage Engineer had requested the inclusion of three conditions that in respect of a surface water drainage system and an assessment confirming that development would not cause slope instability through the removal of trees, excavation of foundations and drains or the installation of soakaways.

A Member was concerned that the site was made up of sand and that the report made no mention of whether Building Control had been consulted with regard to the application.

The Planning Officer advised that Building Control had not been consulted at this stage but would be involved in the development at a later stage.

The Director of Economic Development explained that Planning and Building Control are separate and distinct statutory regimes and on occasions permission was granted for a scheme which was later not approved by Building Control. It was the responsibility of the applicant to satisfy Building Control that the building would be sound.

The Member queried what was meant by the terms 'substantial harm' and believed that the development would make a substantial difference to the people in the village.

The Planning Officer explained that 'substantial harm' was not defined but that there was a duty to preserve and enhance the Conservation Area and the setting of the Listed Buildings.

A Member was pleased that a construction management plan would be implemented but was concerned about the narrow road, Sandy Lane, and was surprised that no-one had suggested double yellow lines on one side of the road and suggested that that was something local Members may wish to consider. The site visit had clarified a number of issues.

The National Planning Policy Framework was in favour of development and no statutory consultees had raised objections, including the Parish Council who had the majority of local knowledge. The Highway Authority had raised no objections and the Conservation Area Advisory Committee recommended that the revised application should be approved and welcomed the revised design.

The building would be in a traditional style using sympathetic materials such as sandstone and would blend in with the Conservation Area. The Member could see no reason to refuse the application and therefore moved approval in line with the Officer's recommendations.

A Member stated that as he had missed the site visit he would not take part in the voting on the application.

The motion to approve the application was seconded.

Following a vote it was:

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

Councillor Earp returned to his seat in the Chamber.

(2) Variation of Condition 2 (Approved Documents) of previously approved permission 13/0866 to alter blade length and hub height of turbines (maximum tip height is retained at 126.25m), Beck Burn Peat Works, Springfield, Longtown, Cumbria, CA6 5NH(Application 15/0489)

The Planning Officer submitted the report on the application which had advertised by means of a site and press notices as well as notification letters sent to 536 neighbouring properties. In response 21 letters of objection had been received and the Planning Officer summarised the issues raised therein.

The Planning Officer reminded Members that, at a meeting of the Committee in 2014, an application was given authority to issue subject to legal agreements, for the erection of nine 126 metre high wind turbine generators, with associated transformer housings, control room, 80m high meteorological mast and the formation of associated laydown area, crane pads and access tracks, along with the associated change of use to mixed use comprising operational peat works and wind farm.

The current application was not a completely new application but a variation of the granted permission. It was seeking approval for an increase in blade diameter from 92.5m up to 105m, with a corresponding reduction in hub height from 80m to 73.75m to accommodate the larger blades without the need to increase the maximum height to blade tip from the approved height of 126.5m.

The proposed use of the increased rotor size would result in a significant increase in the amount of electricity which could be generated at the wind farm. Depending on the exact model selected, that could increase by around 60%, up from the consented 18mW to a maximum of 31mW. That would have a resultant increase to the community benefit fund and business rates. Everything else would remain as approved.

The Planning Officer presented a short CGI representation of the turbines from five different locations showing the differences between the blade lengths at those sites.

Since preparation of the report two updated responses had been received and had been included within the Supplementary Schedule; one from Dumfries and Galloway Council and one from the Ministry of Defence, both of which confirmed no objections, the Ministry of Defence's subject to the condition included on the previous application. Two additional objections had been received. They did not raise any new reasons for objection that were different to those discussed within the report.

The Planning Officer was of the opinion that for a turbine with an overall height of 126.25m that an alteration of blade length of 12.5m in total would not significantly change the landscape impact, particularly as the overall height would not change. Members would need to decide whether they agreed with the Planning Officer's opinion and if so it would follow that they would go with the Officer's recommendation. If they did not agree Members could choose to refuse the application and the applicants could only build what they already had consent for. As such the Planning Officer recommended authority to issue approval of the application, subject to the updated legal agreements being received.

The Committee then gave consideration to the application.

A Member reminded the Committee that the Secretary of State had made a statement on 18 June 2015 that set out new considerations that would enable local people to have the final say on windfarm applications. The last paragraph of the statement required that a Local Authority could find a proposal acceptable if, following consultation, it was satisfied that it had addressed the planning impacts identified by affected local communities and therefore had their backing.

The Member stated that the turbines had larger blades and that would affect the local community. Three additional properties would be affected by shadow flicker and the Member suggested that the general public and community had not been consulted in a way that truly identified with what the Secretary of State said.

The Member queried whether the approved application included a condition that required a bond so the developer, at the end of the life of the turbines, would remove the concrete.

The Planning Officer explained that that part of the legal agreement would be updated and did take into account the restoration of the site. However no final draft was agreed at this stage. The restoration bond would be agreed with the County Council in respect of the site.

The Member stated that he was disappointed as he had originally suggested that if the bond was not enough and the developer was no longer available, the responsibility to remove the concrete would fall to the landowner. It was important to make the County Council aware of that and that it be included in the legal agreement. As four properties would be affected by flicker it would be upsetting to their lives and detrimental to the price of their properties.

The Member recommended refusal of the application as consultation had not been carried out in line with the Secretary of State's statement and more people would be affected by the revised application than the original.

The Principal Lawyer explained that in a statement on 23 June 2015 the Energy Secretary stated that there would be a grace period the support any applications under review and policies were in place where applications had been accepted.

A Member queried whether the diameter of the tower would be increased to accommodate the increase in blade length. The Planning Officer confirmed that it would not.

A Member stated that according to the report that there had been no response provided, or a response was awaited, from 22 of the 33 consultees. The Member queried whether that was a concern. The Planning Officer explained that because there were a lot of applications for wind turbines many consultees would not respond. Also this application was a variation on a

previously approved application so, again, many would not respond. However the Ministry of Defence and Dumfries and Galloway Council had responded.

The Member queried how many properties were within 800m of the development. The Member stated that there were twelve properties affected by shadow flicker. The Planning Officer was not sure but could work the figure out and advise Members.

The Member seconded the motion to refuse the application.

A Member acknowledged the difficult situation that Members faced. The principle of siting the turbines had been established and therefore it would be difficult to refuse the application.

The Member drew attention to paragraph 6.10 which stated that it would be possible to shut down turbines that caused shadow flicker during such conditions. The Member suggested that, in view of the established principle, that a condition be imposed to shut down those turbines if conditions would cause flicker. The Member further suggested that if there was no condition in respect of aviation safety lighting that one such condition be added.

The Planning Officer advised that the additional properties that would be affected by shadow flicker had been taken into account during the surveys.

With regard to the conditions, Condition 2 referred back to the previous application and that all previous conditions in the original applications should remain.

It was moved and seconded that the application be approved with the assurance that relevant conditions in the original application remained.

Following a vote it was:

RESOLVED –That authority to issue approval of the application is granted to the Director of Economic Development subject to updated legal agreements being received and the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

(3) Demolition of garage and erection of 2no bedroom dormer house (Revision to Application 10/0325), garages between Corner House and former Hare and Hounds, Talkin, Brampton(Application 15/0239)

The Principal Planning Officer submitted the report on the application which had been the subject of a site visit held on 8 July 2015. The application had been advertised by the direct notification of the occupiers of four neighbouring properties in response to which three formal objections had been received (as well as footage of the site). The Principal Planning Officer summarised the issues raised therein.

The Principal Planning Officer presented some slides that consisted of the submitted plan and a short film submitted by a neighbour regarding ongoing parking issues, and photographs taken by the Principal Planning Officer of views of the site from a number of viewpoints outwith and within the site.

The Principal Planning Officer recommended approval of the application.

Mr Jackson (Objector) addressed the Committee and stated that he lived in the former Hare and Hounds. No-one had spoken to him about the Party Wall Act and he had spent money having the wall rendered and painted after the planning permission expired. The foundations of the two properties were merged when the buildings were erected hundreds of years ago. Therefore if work was undertaken on one of the properties it would impact on the other. Privacy would be invaded through the only window into the lounge and his son's bedroom window.

Mr Jackson's neighbour was currently erecting a wall to protect his property and that was already blocking out light to his property. There would also be a loss of light while building was being undertaken. Mr Jackson would lose his current views of the fells.

Mr Jackson believed that traffic would increase on the road and there were already up to nineteen cars parked on the road at times. The report stated that refuse bins would be stored inside the property but they would be put out onto the pavement for collection.

Mr Jackson queried where building materials would be stored as the property had no land. He believed that the applicants did not wish to build the dwelling themselves but wanted the application to enable a higher resale figure.

Mr Cowper (Applicant) responded to the issues raised and advised that although he was local he currently lived outwith the area. Completion of the application would allow him to visit the area more frequently. He acknowledged that he could have handled the situation better and that he had not spoken to local residents. The proposed dwelling would not encroach on other properties and steps would be taken to deal with issues regarding the foundations.

Mr Cowper believed that it would be better to have a functional building than the current wreck and would enhance the setting.

The Committee then gave consideration to the application.

A Member queried whether the issue with the foundations would cause any problems. The Principal Planning Officer advised that the issue would be dealt with under building regulations.

A Member stated that if the application was approved she was pleased that a condition was imposed dealing with construction times as that would affect other people.

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

The following two items were considered together as they related to the same site.

- (4) Temporary consent for retention of existing steel palisade security fences located at each end of viaduct for a further 3 years, Waverley Viaduct, River Eden, Willowholme, CA2 7NY (Application 15/0469)**
- (5) Temporary consent for retention of existing steel palisade security fences located at each end of viaduct for a further 3 years (LBC), Waverley Viaduct, River Eden, Willowholme, CA2 7NY(Application 15/0470)**

The Planning Officer submitted the report on the application which had advertised by means of a site and press notices as well as notification letters sent to 105 properties. In response a total of 56 letters of objection and five letters of support to the planning application and 58 letters of objection to the Listed Building application had been received. These included one from the Ward Councillor and a response from the Crime Prevention Design Advisor. The Planning Officer summarised the issues raised therein. The Parish Council had made no observations.

The Planning Officer reminded Members that the applications had been to Committee on three previous occasions.

The Planning Officer presented photographs of the site from a number of viewpoints.

The Planning Officer advised that the viaduct was currently managed by Highways England who had recently undertaken some repairs including re-pointing, reinstating the parapet wall and installing new tie bars to stabilise the structure. However some longstanding issues such as the need to create a safe crossing over the viaduct, and the ownership issue on the north side of the River Eden still needed to be resolved. Waverley Viaduct Trust had recently been established and they were seeking to re-open the viaduct for public access.

The Planning Officer informed Members that he had received a letter from one of the Directors of the Trust who did not object to the retention of the barriers until the work on the parapet wall was complete and a safe crossing had been created over the viaduct. A lease would need to be agreed between the Trust and Highways England.

For those reasons the Planning Officer believed that a further temporary consent was appropriate but stated that, in his opinion, three years would be excessive and therefore recommended retention of the barriers for two years.

Mr Ramshaw (Objector) addressed the Committee and stated that, as Director of the Waverley Viaduct Trust he objected to the renewal of the planning permission for three years which he believed to be too long. The Trust was shortly to apply to the Charities Commission for charitable status and the aim was to get the viaduct re-opened as a bridleway as soon as possible. That would require the support of the County and City Councils.

Mr Ramshaw reminded Members that the viaduct had been open to the public for 40 years. The viaduct was a Listed structure and many thousands of pounds had been spent bringing it back to the standard it was in when closed to railway traffic. Highways England wished to see the viaduct brought back into use as a traffic free crossing of the river. It had been agreed that if the Trust carried out the necessary work to waterproof the deck and construct a safe route across the viaduct with suitable surface and fencing, Highways England would grant the Trust a lease for 25 years. That would greatly enhance the pedestrian and cycle access and increase the health and environmental benefits.

Friends of Engine Lonning were currently setting up a Trust to provide a suitable footpath network through the area and the footpath across the viaduct would provide a thoroughfare from west to north and ensure that Engine Lonning became a much more accessible public amenity.

Many people were in favour of the re-opening of the viaduct and a recent survey in the press indicated that 97% wished it re-opened.

The major problem was access to a small piece of land to the northern end which was currently being addressed. If the Trust could not come to an amicable agreement with the landowner for egress off the viaduct the Trust would request the Local Authority to impose a Right of Way Creation Order to achieve egress.

The Trust had the support of many City and County Councillors and access to the viaduct could be possible as soon as work was completed and Mr Ramshaw believed that would take less than three years.

Mr Kirkpatrick (Objector) addressed the Committee and endorsed previous comments in respect of the barriers. Mr Kirkpatrick presented a photograph of the viaduct indicating the Cumbria Coastal Way to the south and the Hadrian's Wall Heritage Path to the north and a photograph of the original viaduct showing the parapet and railings. Mr Kirkpatrick presented further photographs showing other viaducts in Haltwhistle, Kirkby Stephen and the Lancaster Canal viaduct.

Mr Kirkpatrick stated that he was embarrassed by the condition of the barriers, and presented photographs showing the graffiti, when taking visitors along the Hadrian's Wall Heritage Path. The barriers were unsightly and had a significant adverse impact on the area.

Mr Kirkpatrick reminded Members that the permission granted in 2012 had expired in January 2015 and queried whether approval of the application for two years would extend to 2½ years.

The Committee then gave consideration to the application.

A Member stated that he would love to see the viaduct open to the public but that refusal of the application was not the way to achieve that. The application was for the extension of the use of the existing barriers and was not concerned with the renovation of the viaduct. The barriers were to prevent people from getting onto the viaduct. The Member stated that his conscience would not allow him to vote against the application, which would result in the removal of the barriers, as safety was the most important concern. Paragraph 6.16 of the report stated that anybody going onto the viaduct was trespassing, given that there was no right of way over the structure. If the barriers were removed it would encourage people to trespass.

A Member queried how many more times such applications would be submitted to the Committee. The Member suggested that Highways England, the newly formed Trust, and the City and County Councils get together and sort out the issues, within the next two years to enable the barriers to be removed after two years. However it was not within the planning remit to say that there should be a footpath over a piece of land; that was the responsibility of other authorities.

The Member moved approval of the application for a further two years but suggested that in the meantime a request was made to all parties to get together under Policy LC9 to enable a positive output for the viaduct.

The Director of Economic Development believed that the establishment of the Trust would be a positive move and that an informative could be included in the permission to ensure work would continue with the Trust and the community to try to facilitate the progress of the work.

A Member seconded the motion to approve the application for a further two years.

A Member believed that as long as nothing was being done on the viaduct such applications would continue to be submitted to the Committee. The bridge was Listed and the Member queried whether the barriers were suitable for such a building. The Council had a lot of experience with off-road routes and the Member was certain that the viaduct could be used as such but that decisive action was needed. Nothing had happened in the last five years and the Member moved refusal of the application.

A Member supported the proposal but believed that the City Council was being asked to sort out someone else's mess. The bridge was not in the Council's ownership but the Council were happy to work with other people to resolve the issues.

In the draft Local Plan policies were included to protect disused railway lines. The Member was in favour of the proposal, not just as a potential leisure facility, but also for the future economic development of the City. Many people would like to see the restoration of the old Waverley Line and that would be of benefit to the City if achieved.

A Member stated that he was in support of the barriers being retained for a further two years. At present the footpaths on the north and south sides of the viaduct were shown on OS maps. The Member suggested that the Trust contact the County Council and OS to have a right of way put into place. Such measures took a long time to be set up and the Member hoped that it would be in place within two years.

Following a vote it was:

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

Councillor McDevitt wished it noted that he had voted against the application.

The meeting adjourned at 11.45 and reconvened at 12.00.

(6) Change of use of small area of field to residential; erection of detached domestic garage (Revised Application), Bramblebeck Cottage, Moor Park, Thurstonfield, Carlisle, CA5 6HB(Application 15/0081)

The Planning Officersubmitted the report on the applicationwhich had been the subject of a site visit held on 8 July 2015. The application had been advertised by means of a site notice and direct notification to the occupier of a neighbouring property. In response one letter of objection had been received. The Planning Officer summarised the issues raised therein.

The Planning Officer reminded Members that planning permission was submitted for a similar proposal in 2014 and, at the request of the Ward Councillor, the application was presented to Members of the Committee in June 2015. Following consideration the application was refused for the reason quoted in paragraph 6.8 of the Officer's report. The current application was a revision of that and attempted to deal with the reason for refusal. The changes comprised the repositioning of the building, reducing the height by 0.6 metres by reducing the ground level with the building being 150mm below the floor level of the property.

The Planning Officer presented slides showing the location plan and photographs showing views from around the site.

The Planning Officer advised that the scale of the garage would be disproportionate and obtrusive to the character and appearance of the existing dwelling. The design was not reflective of the existing property and in combination with those factors the development would adversely affect the wider landscape character and the proposal.

The Planning Officer presented photographs provided by the agent of comparable garages in various locations in the District.

Officers had been working proactively with the applicant and his agent to address the issues and the revisions to the application were acknowledged. However they were not considered sufficient to address the previous concerns and the application was recommended for refusal.

The Committee then gave consideration to the application.

A Member moved refusal of the application in line with the Planning Officer's recommendation. That motion was seconded.

RESOLVED –That the application is refused for the reasons stated within the Schedule of Decisions attached to these minutes.

(7) Erection of 1no dwelling (Outline), land between Stonelea and Bluebell Cottage, Smithfield, Carlisle, CA6 6DL(Application 15/0352)

The Planning Officer submitted the report on the application which had been the subject of a site visit held on 8 July 2015. The application had been advertised by means of a site notice and notification letters sent to two neighbouring properties. In response seven letters of support and one letter of comment had been received the contents of which were summarised by the Principal Planning Officer.

The Planning Officer presented slides of the site plan and a number of photographs taken around the site.

At the previous meeting the Planning Officer had read out a letter from the Parish Council who supported the application.

The Planning Officer advised that the issues were the relationship of the site to Smithfield and the impact on the landscape character. Determination of the application was finely balanced and the Planning Officer recommended refusal of the application.

The Committee then gave consideration to the application.

RESOLVED –That the application is refused for the reasons stated within the Schedule of Decisions attached to these minutes.

(8) Development of 189 residential units (including 30% affordable provision) consisting of 10no 5/4 bed houses; 39no 4 bed houses; 118no 3 bed houses; 13no 2 bed houses; 9no apartments; and associated infrastructure, land to the south west of Cumwhinton Road and to the rear of Farbrow Road, Carleton, Carlisle, CA1 3JA(Application 15/0983)

The Principal Planning Officer submitted the report on the application which had originally been advertised in the form of press and site notices, and the direct notification of the

occupiers of 80 properties. The proposal, as revised, had been re-advertised by the direct notification of the occupiers of the neighbouring properties. The applicant and case officer had also attended a public meeting at Harraby Community Centre on 12 March 2015. At the time of preparing the report the Council had received 48 form objections, a petition of objection with 92 signatures, two e-mails commenting on the proposal and one e-mail in support. The Principal Planning Officer summarised the issues raised therein.

The Principal Planning Officer advised that, further to the report, Members should be aware that the County Council had received Counsel's advice which indicated that it could be appropriate for an applicant to pay reasonable costs with regard to the monitoring of a Travel Plan. Whilst that issue was likely to be the subject of further debate the applicant, in order to progress matters, had agreed to pay the requested sum which, in this case, was £6,600.

The Principal Planning Officer explained that condition 7 required improvements to Sewell's Lonning prior to occupation of 30 dwellings. Condition 11 required an on carriageway marking scheme along London Road to Sewell's Lonning. Condition 29 dealt with surface water.

The Principal Planning Officer's recommendation was Authority to Issue approval of the application subject to the provision of affordable housing, 56 of which 22 being rented), the management of open space, the payment of £53,071 towards off-site sports provision and payment of £6,600 for the monitoring of the Travel Plan.

The Committee then gave consideration to the application.

A Member queried whether cycle markings would extend along London Road to Sewell's Lonning. The Principal Planning Officer explained that the intention was to improve all cycle markings along London Road.

The Member queried how a cyclist would get from London Road to the estate as there was no access to the estate along Sewell's Lonning as it was one way. The Principal Planning Officer explained that Members had to view the issue in stages. When the land adjacent to the site was developed that would be part of the cycleway. There was a footpath along the front of the development.

The Member suggested that if there was a pavement along Sewell's Lonning it could be dual use for cyclists and pedestrians.

A Member stated that he was not happy that the issues around surface water had not been fully resolved. The Member had voiced his disappointment at the last meeting about the highway report in that it was too technical and had not given a reason why there could not be a chicane at the pinch point. A chicane had been installed in other areas around the city and worked well. The Member acknowledged that a chicane may not be feasible but as far as he could see the possibility had not been considered.

The Member queried what would happen to other applications where money had been refused for Travel Plans if money was accepted as part of this application.

The Director of Economic Development explained that there had been extensive discussion with the Principal Planning Officer and it had been agreed that when money was requested for a Travel Plan it had to be specific for that part of the site. Because the application covered a large site and there were a number of issues there was a case for a Travel Plan. However

the Highway Authority would need to justify the need for a Travel Plan and therefore that would need to be monitored.

A Member believed that the Council could only request a certain number of Section 106 Agreements at a particular time. The Member stated that he was more interested in having affordable housing.

The Principal Planning Officer thanked Members for their comments which were all valid and important. He reminded Members that discussions in respect of Greymoorhill had resulted in a Travel Plan being discounted.

With regard to CIL regulations there was a general awareness in respect of CIL but there could not be a generic agreement for education or affordable housing for example as they had to be specific to the particular area and Ward.

The Director of Economic Development added that the Highway Authority needed to be specific in its requirements and provide more detail than it had to date.

The Member believed that there should be more discussion on the matter as the issue would be raised again in future.

A Member believed that the Section 106 Agreement had allowed less flexibility than what could be achieved. The Government were being more prescriptive about legal agreements and developers were weakening the Planning Authorities arguments in respect of viability.

The Director of Economic Development informed Members that there would be a training session on CIL and Section 106 Agreements, including voluntary Section 106 Agreements in the near future.

RESOLVED –That Authority to Issue approval of the application is granted to the Director of Economic Development subject to the satisfactory conclusion of a Section 106 Agreement covering the provision of: 56 affordable units of which 22 are for rental; the management and maintenance of public open space; the payment of £53,071 towards off site sports pitches; and the payment of £6,600 for the monitoring of a Travel Plan.

(9) Erection of two storey side extension to provide 1no en-suite bedroom on ground floor with lounge and terrace above. Installation of package treatment plant, Maridale, Waterside Road, Wetheral, Carlisle, CA4 8HA (Application 15/0079)

The Planning Officer submitted the report on the application which had advertised by the direct notification of the occupiers of three neighbouring properties and the posting of a site and press notices. In response no verbal or written representations had been made during the consultation period.

The Planning Officer drew Members' attention to paragraph 7.1 which outlined the planning history but omitted the actual outcome of the application. The application was withdrawn prior to any decision and the Planning Officer apologised for the omission.

The Planning Officer presented slides showing the site location plan and photographs taken from various viewpoints around the site.

The Planning Officer recommended approval of the application.

The Committee then gave consideration to the application.

A Member moved approval of the application in line with the Officer's recommendation.

A Member indicated that the Conservation Area Advisory Committee had suggested refusal of the application but had not given an explanation for that suggestion.

The Development Manager explained that the building was erected in the 1960s before the Conservation Area was designated in Wetheral. It was now difficult to determine whether to design the extension to fit in with the building or the Conservation Area given that this part of the Conservation Area differed to that around The Green. In that context the property had been designed to take account of the area and the river. The Conservation Area Advisory Committee had struggled to achieve a balance and the Development Manager suggested that Members should consider whether the proposal at least preserved the style of the 1960s building.

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

(10) Erection of 6no dwellings (Outline), land to the north of Moor Yeat, Plains Road, Wetheral, CA4 8LE (Application 15/0378)

Having declared an interest Councillor Earp left the Chamber and took no part in the consideration or determination of the application.

The Principal Planning Officer submitted the report on the application which had advertised in the form of a site notice and the direct notification of the occupiers of nine neighbouring properties in response to which the Council had received two formal objections and one e-mail raising concerns. The Principal Planning Officer summarised the issues raised therein.

Since publication of the report a further letter had been received from the Parish Council objecting to the application on highway grounds in respect of the high volume of traffic and the poor visibility.

The Principal Planning Officer presented slides showing the landscape and advised that it was the intention to extend the 30mph speed limit area and improve visibility.

The applicant had agreed to pay £81,604 towards the off-site provision of affordable housing.

The Principal Planning Officer recommended that Authority to Issue approval of the application be granted to the Director of Economic Development subject to the completion of a Section 106 Agreement regarding the payment of £81,604 towards the off-site provision of affordable housing.

The Committee then gave consideration to the application.

A Member believed that Officers should refrain from including "The Developer should be responsible for paying the provision of refuse containers for each property" as this was no longer the case.

The Director of Economic Development advised that Officers were working with the Director of Local Environment who was aware of the situation and was looking at having refuse areas so bins would all be located in one area.

The Member queried whether the area was being carried over into the emerging Local Plan. The Principal Planning Officer explained that when the emerging Local Plan was established there was a call for sites. The landowner had put forward a much larger area which was then taken out of the Local Plan. The application site was a windfall site.

The Member was concerned that the developer was intending to put money into affordable housing outside of the area. He believed that young people in Wetheral and the surrounding area needed accommodation in the area where they were brought up.

A Member reminded the Committee that the application was outline and indicated six properties. If for any reason only five were built there would be no requirement for an affordable housing contribution and the Member queried how the Council could ensure all six were developed.

The Member further queried when the contribution was due to be paid. The Member stated that she would prefer to have the payment at the start of development rather than after a specific number had been built. The Member added that there was a desperate need for affordable housing in rural areas.

The Principal Planning Officer explained that could be achieved through a well worded Section 106 Agreement to ensure the payment would be made in a reasonable time. The Principal Planning Officer advised that when the Council received an outline application for six properties it was assumed that all six would be developed by one developer. If the application was split the houses could be built by up to six developers. The Principal Planning Officer queried whether Members wished to have a condition to ensure six properties were built.

The Member believed it would be difficult to impose a limit or a minimum. It was important to ensure that the Section 106 Agreement was written in such a way to ensure that money was released at the appropriate time.

A Member believed that there should be social housing in rural areas and queried whether there could be flexibility in the legal agreement to enable money to be used in other areas if it was outside the timescale.

A Member stated that she would not like to see more than six properties on the site as Plains Road was already a busy road.

A Member was concerned that money could be given to another area. The Member acknowledged that money could be held for a certain length of time then had to be returned to the developer. There had been a number of developments in Wetheral and affordable housing was needed in rural areas. The Member could not see why affordable housing could not be provided on the site.

The Director of Economic Development explained that Officers had to follow policy which stated that money would be put into a pot. There had not been a case where money had been returned to the developer as Officers always tried to use the money in the area around the development.

RESOLVED –That Authority to Issue approval of the application be granted to the Director of Economic Development subject to the completion of a Section 106 Agreement regarding the payment of £81,604 towards the off-site provision of affordable housing.

Councillor Earp returned to his seat in the Chamber.

- (11) Existing tiles on hipped roof over living area to be replaced with slate to match main roof; log burner flue (Revised Position) and installation of cast iron grille to kitchen extract; installation of roller shutter door to garage; existing cast iron guttering to main roof replaced with cast aluminium guttering and rainwater down pipes; slates on main roof replaced 'like for like' (top five courses on north elevation to be diminishing in height with new roof timbers on north elevation (existing roof spars to be retained where possible and re-instated) (LBC), 53 West Walls, Carlisle, CA3 8UH (Application 15/0371)**

The Planning Officer submitted the application which had been advertised by the direct notification of three neighbouring properties and the posting of site and press notices. In response one letter of objection had been received the contents of which were summarised by the Planning Officer.

The Planning Officer presented slides that showed the site location plan and photographs taken from around the site.

The Planning Officer recommended approval of the application.

The Committee then gave consideration to the application.

A Member was concerned that construction traffic could cause holdups on West Walls and queried whether it would be possible to have a work plan put in place. The Planning Officer advised that work was currently ongoing within the building and if scaffolding was needed permission would have to be sought from the Highway Authority. With regard to the garage door the owners currently has to get out of their car to open the garage door and had in the past been issued with a parking ticket. The applicant had explored various options detailed in an e-mail within the Main Schedule with the only viable option being that of a mechanical garage door. The Planning Officer added that the garage doors were of the roller shutter type and would consist of grey horizontal sections with all the mechanism housed within the building. The doors would be finished to match the windows as approved.

A Member stated that West Walls was one of the nicest streets in the Conservation Area and in Carlisle and the Council must look after it. Some of the buildings in Abbey Street would not have been approved today and if someone wanted to enhance the area they should be granted permission to do so.

The Member queried whether the cast aluminium guttering would look the same as the existing cast iron guttering. The Planning Officer advised that a condition was imposed to that effect and added that the original cast iron guttering was being removed as it could not take the amount of water discharged during heavy rainfall.

The Member moved approval of the application in line with the Officer's recommendation.

A Member stated that the report indicated that the Conservation Officer and the Planning Officer had differing opinions on the garage door and queried what a vertical track door was.

The Planning Officer explained how a vertical track door operated and advised that the Conservation Officer had wanted to put in a vertical sectioned door as opposed to the proposed horizontal sectioned door. However, that would not be possible as the walls were not plumb and what the applicant was proposing was the only solution after exploring all the options available.

A Member seconded the motion to approve the application.

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

(12) Erection of 1no dwelling, land adjacent 7 The Nurseries, Linstock, Carlisle, CA6 4RR (Application 15/0425)

A Member requested that a site visit be undertaken as the application was refused when it was last submitted and he did not believe anything had changed.

The motion to undertake a site visit was seconded.

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

(13) Erection of steel portal framed building for storage of machinery and cereal, Little Orton Farm, Little Orton, Carlisle, CA5 6EP (Application 15/0436)

It was moved and seconded that a site visit be undertaken.

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

(14) Change of use of vacant field to create additional yard storage space for existing business; includes profiling of site (Revised Application), land adjacent to Thomas Lane, Burgh Road Industrial Estate, Carlisle, CA2 7NA (Application 15/0440)

The Principal Planning Officer submitted the report on the application which had advertised by means of a site notice and notification letters sent to 58 neighbouring properties. In response three formal objections and two e-mails raising concerns had been received the contents of which were summarised by the Planning Officer.

The Principal Planning Officer presented slides of the proposal and photographs of the site. The Principal Planning Officer explained that there would be some levelling of the site and excavation and the culvert would be removed and reinstated as part of the new access.

The Principal Planning Officer recommended that Authority to Issue approval of the application be given to the Director of Economic Development subject to the expiration of the consultation period and the Officer's approval of the Assessment of Likely Significant Effects.

It was moved and seconded that the application be approved in line with the Officer's recommendation.

RESOLVED –That Authority to Issue approval of the application is granted to the Director of Economic Development subject to the expiration of the consultation period (15th July 2015) for the Lead Local Flood Authority; and Officer approval of the awaited Assessment of Likely Significant Effects.

(The meeting ended at 12.50 pm)