

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 9 FEBRUARY 2018 AT 10.00 AM

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

OFFICERS: Development Manager
Legal Services Manager
Principal Planning Officer
Planning Officer x 2
Planning/Landscape Compliance Officer

ALSO

PRESENT: Mr Allan (Cumbria County Council)

DC.13/18 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Shepherd and the Corporate Director of Economic Development.

DC.14/18 DECLARATIONS OF INTEREST

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

Councillor Earp declared an interest in respect of applications:

- 17/0969 – Land adjacent Garth Cottage, Wetheral Pasture, Carlisle, CA4 8HR. The interest related to objectors being known to him.
- 17/1104 – Land North of Thornedge, Cumwhinton, Carlisle. The interest related to objectors being known to him.

Councillor Earp declared a registrable interest in respect of agenda items A.2 and B.1 – Affordable Housing Contribution – Rear of Scotby Road – Scotby. The interest related to his being a member of Wetheral Parish Council.

Councillor Glendinning advised the Committee that, at its January 2018 meeting, she had failed to declare a Disclosable Pecuniary Interest in respect of application 17/0896 – Land South of the A69, Scotby, Carlisle, CA4 8BJ. The interest related to her being an employee of the landowner. She explained that the report had not contained reference to her employer and therefore she was unaware of their ownership of the land. She undertook to declare the interest when a further report on the application was submitted to the Committee for consideration and not to take part in the discussion or determination of the application.

DC.15/18 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.16/18 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meetings held on 24 November 2017 and 3 January 2018 (site visits meeting) be approved.

DC.17/18 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.18/18 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 Dwellings (Outline), Land adjacent to Garth Cottage, Wetheral Pasture, Carlisle, CA4 8HR (Application 17/0969).

The Development Manager submitted the report on the application which sought Outline Planning Permission, for residential development with all matters reserved on land at Wetheral Pastures. He reminded Members that the Committee had undertaken a site visit on the 3rd January prior to the application being withdrawn from the 5th January Committee meeting in order to allow revisions to be made. As a result an addendum had been prepared to the original report to update members on the changes and the further consultation that had taken place.

Slides were displayed on screen showing; location plan; block plan; landscape context plan; illustrative layout; illustrative cross-section; typical site access plan; drainage strategy schematic plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Development Manager advised Members that four trees along the frontage of the site were the subject of a Tree Preservation Order (TPO) upon which matter a report would be submitted to a future meeting of Committee for Members to consider the confirmation of the Order. The outcome of the Committee's determination would need to be taken into account in any future Reserved Matters application were the current application to be approved.

With reference to the illustrative layout, the Development Manager noted that whilst it established key parameters for the site's development, it was indicative only and the exact details of the final scheme being submitted at the Reserved Matters stage. The submitted illustrative layout showed the potential for five dwellings at the site, which Officers consider would be the maximum density of development acceptable to accord with the local character of the area. The illustrative layout had also illustrated the removal of two of the four trees along the site's frontage and that had prompted consideration the imposition of a TPO which would influence the layout and access arrangements for the site.

Members' attention was drawn to the Supplementary Schedule where two further objections to the application had been produced and a response for the Lead Local Flood Authority. In relation to the additional letters of objection, the Development Manager stated that they had not raised any new issues to those identified during the consultation on the application. The site was not identified as having a nationally designated ecological value and Officers considered that the proposed copse would increase the biodiversity value of the site, replacing any lost from alterations to the site frontage.

The Development Manager noted paragraph 6.32 of the report contained an unintended double negative, he clarified that it was unlikely that the development would harm protected species however, an informative attached to any approval of the application was recommended to

remind the applicant of responsibilities under the provisions of the Wildlife and Countryside Act 1981.

Drainage arrangements for the site were a Reserved Matter and subject to a future application, however, the Lead Local Flood Authority had confirmed that the indicated drainage strategy was acceptable. During the Committee's site visit Members had requested consideration be given to an alternative routing of the drainage system. The matter had been discussed with the applicant who had considered it, however, alternative routes were likely to generate additional development costs. Given that an acceptable solution was possible based on the proposed attenuation and routing, the Development Manager advised that it would therefore be unreasonable to impose a condition requiring the drainage system to take an alternative route. Such matters were only to be considered if, at the Reserved Matters stage, technical reasons proved the shortest route was not acceptable.

In conclusion the Development Manager recommended that the application be approved subject to the completion of a legal agreement consisting of the following obligations: a financial contribution of £3,500 toward a Traffic Regulation Order and of a new signage of a new speed restriction; and the planting of a woodland copse to the immediate south of the application site.

The Development Manager further recommended that, should the legal agreement not be completed within a reasonable time, Authority to Issue be given to the Corporate Director of Economic Development to refuse the application.

Mrs Roberts (Objector) spoke against the application in the following terms: the need for the development had not been identified, therefore the proposed scheme was contrary to SP2 – Strategic Growth and Distribution of the Carlisle and District Local Plan 2015-30 (Local Plan); the Parish Council had expressed concerns regarding over-development of the Parish, the scheme would contribute to that; the proposed scheme was not in accordance with Local Plan policies SP6 – Securing Good Design and HO2 - Windfall Housing Development. In conclusion, Mrs Roberts requested that the Committee refuse the application.

Mr Roberts (Objector) spoke against the application in the following terms: the proposal would necessitate the removal of a significant portion the hedge at the frontage of the site, which had characteristics of an "important hedge" as set out on the Hedgerows Regulation 1997; the four trees subject to the TPO should be retained; the collective feature of trees and hedgerow provided a wildlife corridor which linked habitats and was in continual use by woodland birds and Pipistrelle Bats; the submitted Bat Survey lacked validity as it had been conducted out of season; the originally proposed pavement between the site and Cumwhinton should be constructed.

Mr Hutchinson (Agent) responded in the following terms: the Local Plan disadvantaged small and medium sized house builders through its allocation of larger sites for residential development; the proposed scheme would contribute to the Council's housing targets; the Local Plan permitted development within or on the edge of villages, therefore the scheme was compliant with policy HO2; the scheme would bring additional bio-diversity to the area encompassing the site through the planting and maintenance of the proposed copse; the site was already connected to the existing drainage system and did not impact on the flooding of the highway adjacent to the site; the Lead Local Flood Authority had approved the proposal.

The Committee then gave consideration to the application

A Member asked why the Highway Authority had initially proposed that a 280 metres footpath from the site to an existing (to be provided by the developer), was necessary and then decided it was not needed?

The Development Manager advised that as a result of the Section 106 Legal Agreement requiring a payment to the Highway Authority for the making of a Traffic Regulation Order, it was considered unreasonable to expect the developer to fund the provision of a footway. In addition, the Traffic Regulation Order would restrict the speed on the highway, adjacent to the site to 30mph, consequently the footway was determined as not required.

Another Member raised concerns regarding the consultation responses received from Statutory Consultees in relation to the application, and questioned whether Members were provided with all the information needed to determine the application. He further felt that rather than stating that the Section 106 Legal Agreement be completed in a "reasonable time" that a time-frame should be specified.

The Legal Services Manager responded that it was not possible to specify a time-frame for negotiations as each agreement was bespoke, and related to a particular site. She added that on occasion in negotiation with developers, responses were not forthcoming for extended time periods; the recommendation was worded so as to give Officers authority to refuse permission were the agreement not to proceed.

With respect to the level of information submitted with the application, the Development Manager reminded Members that the application was for Outline Permission, and as a result the applicant was only required to submit the red-line boundary drawing for the site. In relation to the application before Members, further detail had been submitted which had enabled Officers to subject trees at the site to a TPO.

Regarding responses from Statutory Consultees, organisations such as the Council's Local Environment team would assume that accessible frontages would be provided which refuse vehicles would be able to access. The submission of no objections to an Outline application did not prevent consultees from objection to a future Reserved Matters application at the site.

A Member was disappointed that the proposed scheme required the removal of two veteran oak trees, but supported the extended 30mph highway restriction in the area and the proposed drainage arrangements.

Another Member asked whether it was possible for the Section 106 Agreement to specify a timescale for the planting of the copse and the species contained therein.

The Legal Services Manager responded that such requirements were able to be included in the agreement, she noted that in respect to the planting it was ordinarily stipulated that it be undertaken during the appropriate season.

The Development Manager added that it was standard practice to require the submission of a landscaping plan, to the Local Planning Authority for approval, which would set out the details of the species of plants to be used. The approved landscaping plan would accord with the Section 106 agreement.

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

A Member sought clarification as to how the removal of two veteran oak trees and hedgerow from the site had been permitted.

The Development Manager responded that the TPO applied to the four trees at the site was currently undergoing the necessary consultation phase, and that Members would determine whether to confirm the Order at a future meeting of the Committee. The Order, although not confirmed, was in force therefore the developer was not able to remove any trees from the site

without an application to the Council to secure permission to do so. The application for development before Members would not impact the Order which would remain in force until the Committee considered it, were Members to confirm the Order, the proposed access, as indicated in the illustrative layout would require amendment.

With respect to the existing hedgerow at the site, the Development Manager advised that it was a farm hedge and therefore subject to regulation. In order for sections to be removed, an application had to be submitted to, and approved by the Council.

The Chairman noted that a proposal to approve the Officer's recommendation had been moved, whereupon it was seconded by a Member, and, following voting it was:

RESOLVED: (1) that the application be approved subject to the completion of a legal agreement consisting of the following obligations: a financial contribution of £3,500 toward a Traffic Regulation Order and of a new signage of a new speed restriction; and the planting of a woodland copse to the immediate south of the application site.

2) That, should the legal agreement not be completed within a reasonable time, Authority to Issue be given to the Corporate Director of Economic Development to refuse the application.

2) Erection of 4No. Dwellings (Outline) (Revised Application), Land North Edge Station Road, Cumwhinton, Carlisle (Application 17/1104).

The Principal Planning Officer submitted the report on the application and noted that a previous application for the erection of 4 bungalows at the site had been refused by the Committee at its November 2017 meeting. The Parish Council had indicated that it supported the application before Members on the ground that it would provide bungalows which it considered were needed in the area. In addition two further letters of support for the application had been received which the Principal Planning Officer summarised for the benefit of Members.

Slides were displayed on screen showing; location / site / block plan; extent of Section 106 Area plan; planting plan; illustrative elevation plans, and photographs of the site, an explanation of which was provided for the benefit of Members.

In relation to landscaping, the submitted plans indicated an increase in planting along the eastern boundary of the site, effectively removing that area from the gardens of the proposed dwellings. The applicant had confirmed their agreement to enter into a Section 106 Agreement to retain and maintain the landscape strip in perpetuity.

The Principal Planning Officer considered that the proposed scheme was not well related to the form of the existing settlement or 3 previously approved applications on an adjacent site. He reminded Members that in the same area the following consents had been granted: one 22 dwellings scheme in 2015; one 5 bungalow scheme to the west of the application site in 2015 and; one scheme of 8 dwelling to the east of this application site in 2016. The proposal currently before Members extended farther north of those consented developments and as such created an intrusion into open countryside. Furthermore, given the site's elevated position in the landscape, it was visible in long distance views as not being well related to the existing settlement of Cumwhinton.

The proposed scheme had a number of benefits which had been outlined in paragraphs 6.10, 6.13 and 6.14 of the report, however, the Principal Planning Officer considered those to be outweighed by the harm that the proposal would create for the reasons detailed therein. On that basis he recommended that the application be refused permission.

Mr Hutchinson (Agent) addressed Members and noted that following the Committee's refusal of application 17/0749 the applicant had revised the proposal increasing the extent of planting along the eastern boundary of the site and was willing to enter into a Section 106 Agreement to retain and maintain the landscape strip in perpetuity. With regard to the issue of the scheme's visual intrusion, Mr Hutchinson noted that permission had been granted to the Eden Gate development at Cumwhinton which, in his view had a greater impact on the visual amenity of the surrounding areas than the proposed scheme.

The bungalows which the scheme would provide were much needed in the area, and that view was supported by both the Parish Council and local residents, the Council's Strategic Housing Market Assessment had also indicated that in order to cater for the aging population, provision of bungalows should be increased.

The proposed scheme was modest, comprising four bungalows and had the support of the Parish Council and a number of local residents, with no objections having been received from residents or Statutory Consultees. Mr Hutchinson stated that whilst the Principal Planning Officer had expressed his professional judgement on the proposal, the matter was finely balanced, and given the revisions made to the scheme, he considered that the balance fell in favour of approving the proposal.

The Committee then gave consideration to the application

A Member agreed that determination of the application was a finely balanced matter, with respect to the Officer's concerns that the proposed scheme constituted an intrusion into open countryside, he considered that when seen from a bird's eye view or plan view, that would appear to be the case. However, when viewed from the ground, it was his opinion that the scheme would appear related to the existing settlement. Furthermore, the proposed planting would provide effective screening for the proposed dwellings thereby limiting the visual intrusion of the scheme in the area. He considered that the proposal complied with Local Plan policy HO2, he sought clarification as to whether that policy was sufficient grounds upon which to propose the approval of the application.

The Principal Planning Officer advised that the determination of the balance between the harm and the benefits the proposed scheme would generate was a matter for Members to consider.

Another Member commented that having considered that application, he was also of the view that the proposed scheme would be interpreted as being within the curtilage of the existing settlement, he indicated his support for the application and felt that the Committee should grant permission for the development.

The Principal Planning Officer noted that were the Committee to approve the application it would need to grant Authority to Issue to the Corporate Director of Economic Development to issue approval, subject to the completion of a satisfactory legal agreement regarding the retention and maintenance of the landscape strip and affordable housing.

Another Member commented that the determination of the application was very much a subjective judgement for individual Members. She recalled the Committee's site visit in November 2017 and her consideration of the elevated nature of the site meant that it would create a visual intrusion into the landscape. Furthermore, it was her opinion that the existing settlement was compact and well contained, and that the proposed scheme would effectively create an intrusion into the open countryside surrounding the existing settlement.

The Member moved the Officer's recommendation, which was seconded, but stated that should the Committee be minded to approve the application, it would need to identify relevant

conditions to be imposed in the consent. In the event that the application was approved, she requested that consideration be given to the imposition of a condition restricting the dwellings at the site to single storey.

The Legal Services Manager advised that were Members to approve the application, a further report would be brought to a future meeting of the Committee detailing the conditions of the consent for the scheme.

Another Member expressed support for the proposal, he asked how surface water drainage at the site would be managed in the event that the application was not given permission.

The Principal Planning Officer stated that if the development did not proceed the surface water drainage arrangements would not change.

The Development Manager noted whilst the Officer's recommendation had been formally moved and seconded, a number of Members had indicated their support for the application; he asked whether any Members wished to propose the approval of the application.

A Member moved that Authority to Issue be given to the Corporate Director of Economic Development to issue approval subject to the completion of a satisfactory legal agreement covering the provision of the landscaping strip and affordable housing, the proposal was seconded.

The Chairman put the proposal to approve the application to the vote, the motion was not carried, whereupon the Officer's recommendation was put to the vote, and it was:

RESOLVED: That the application be refused permission

3) Variation of Condition 15 (Open Spaces & Informal Play Areas) Of Previously Approved Application 12/0610 to allow investment in existing Off-Site Play Area at Tribune Drive, Land at Hadrian's Camp, Houghton Road, Houghton, Carlisle, CA3 0LG (Application 17/1000).

A Member moved that determination of the application be deferred in order for the Committee to undertake a site visit and await a further report on the application at a future meeting of the Committee. The proposal was seconded and it was

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

4) Change of use from retail (A1 Use Class) to hot food takeaway unit (A5 Use Class) along with the erection of a single storey rear extension and other external alterations including installation of aluminium grilles associated with extraction and ventilation equipment, cold room compressors, and associated ancillary works, Unit A, 103 – 105 Kingstown Road, Carlisle, CA3 0AL (Application 17/0873).

The Planning Officer submitted the report on the application and drew Members' attention to point 6 of paragraph 4.6 of the report and advised that the text should read "Concerns that the proposal would worsen a recent problem with vermin in the area", notwithstanding the typographical error, the matter of vermin had been addressed in the assessment of the application.

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

The principal issue raised by objectors to the proposal was the impact on the residential amenity of neighbouring residents. The Planning Officer noted that whilst the site was located within a primary residential area it was considered that an acceptable level of residential amenity was able to be maintained via the imposition of a condition to restrict opening times to between 11am and 10pm each day.

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 expressed concern that the fridge ventilation system used as part of the scheme would create a noise nuisance for the residents of adjacent properties.

The Planning Officer appreciated the Member's concern, however, as detailed in paragraph 6.20 of the report, the applicant was deemed to have provided sufficient information regarding the specification of the refrigeration ventilation system to satisfy the requirement of the Department of Environment, Food and Rural Affairs. The Council's Environmental Health department had also been consulted on the application and had not raised an objection to the proposal on that basis, therefore, the imposition of a condition relating to the ventilation system had not been deemed necessary.

Another Member expressed concern in relation to the management of car parking at the site, and asked whether there were any controls that could be applied which would prevent users of the premises parking in a manner that adversely affected the highway.

The Legal Services Manager responded that as the frontage of the site was classed as the highway, it would be difficult to impose a condition to control parking at the site.

The Planning Officer added that the applicant had identified a specific space for delivery vehicles to park, and further noted that the adjacent premises only traded until 8pm, therefore after that time the parking spaces attributed to that business would also be available for use.

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.

- 5) Replacement of Flat Roof Dormer with pitched tile roof to provide en-suite and dressing room at first floor; formation of first floor balcony to rear elevation, Madgwick, Green Lane, Crosby-on-Eden, Carlisle, CA6 4QN (Application 17/0979).**

The Planning Officer submitted the report on the application, and displayed slides on screen showing: red line boundary plan; existing floor plans and elevations; location plan; and photograph of the site, and explanation of which was provided for the benefits of Members.

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.19/18 AFFORDABLE HOUSING CONTRIBUTION – REAR OF SCOTBY ROAD, SCOTBY

Councillor Earp having declared a registerable interest in the item of business, removed himself from the Council Chamber and took no part in the discussion or determination of the matter.

The Development Manager submitted report ED.06/18 Affordable Housing Contribution – Rear of Scotby Road, Scotby, and outlined the planning history of the site which had culminated in the two developments being approved subject to a Section 106 Legal Agreement to provide affordable housing, education contribution, and open space contribution as well as on-site management. Following Members' approval of the applications, the applicant/agent had stated that they were unable, as a result of development costs to meet all the stipulation of the legal agreements.

The Development Manager reminded Members that in order to ensure developments did not stall, the financial viability of sites was able to be taken into account, along with consideration as to when such contributions should be payable and the level of those contributions. The Council had used an independent consultant to advise on the developer's costs, taking into account current market conditions affecting the site costs and market prices as well as those relating to finances.

Officers had undertaken lengthy discussions with the applicant/agent over a number of months with a view to identifying what level of contribution the development could reasonably yield, which had resulted in two options set out in the report. Development had commenced at the site under the permission relating to application 16/0159, the Development Manager advised that the trigger for contributions had been reached whilst negotiations to revise the legal agreements had been ongoing.

The contribution to the Parish Council had been a consideration in the reappraisal of the development's financial viability, option 1's provision of an affordable housing allocation was based on no off site contribution to open space. The Development Manager advised Members that should a contribution for open space provision be sought, the amount of affordable housing provided at the site would have to be reduced in order to maintain the financial viability of the scheme.

In conclusion, the Development Manager recommended that that the Section 106 Legal agreements in respect of applications 16/0159 and 17/0131 be revised for the following contribution for delivery of six affordable units: a tenure of three discounted sale units (Dene 2 Bed apartment type) and three affordable / social rent units (a block of 3 x 2 bed Leyland units). Discounted sale units will have a market value of 70% of market value. The Affordable units would transfer to a Registered Provider at 45% of market value.

Mr Higgs (on behalf of Wetheral Parish Council) addressed the Committee and explained that a payment of £30,524 to Wetheral Parish Council had been agreed as part of the Section 106 Agreement relating to application 16/0159 for the improvement and maintenance of off-site

publicly accessible open spaces in Scotby village. On the basis of that commitment, the Parish Council had taken forward plans to implement wide-ranging improvements to the playing fields in Scotby, and had spent £80,000 on an all-weather play area and equipment, and £30,000 on drainage. In addition to the efforts by the Parish Council to develop plans, it had worked to secure grant funding, and residents and users of the existing facilities had also worked to raise further monies to help meet the total cost of the planned improvements.

The allocation to the Parish Council via the Section 106 Agreement was intended to be used towards the construction of replacement clubhouse facilities for which planning permission had previously been granted under application 17/0583. Mr Higgs noted that £7,000 had been spent on the clubhouse scheme so far, and that further expenditure of £60,000 was anticipated in the 2018/19 financial year.

Mr Higgs stated that Wetheral Parish Council planned its finances carefully and had a rolling 5 year programme of improvements for the parish, were the monies allocated by the Section 106 Agreement not to be received the project was likely to stall. Moreover, were the payment for open space provision not to be received, confidence in the process of securing developer contributions would be detrimentally affected, and such a scenario might risk stifling the development of rural facilities which were not eligible for a grant from the Council.

Mr Higgs understood that in order to meet the payment for open space provision, the developer was willing to reduce the number of affordable dwellings provided at the site by one, he asked the Committee to reject the Officer's recommendation and alter the proposed new agreement by reducing the number of discounted units by one in order that the financial support to the Parish Council could be delivered.

The Committee then gave consideration to the report.

A Member expressed concern that, in his opinion, the developer had not adhered to a number of aspects of the legal agreement with the Council pertaining to application 16/0159, accordingly he sought clarification as to whether the Council considered a breach had occurred.

The Development Manager responded that the trigger point for the payment of contributions had been met in November 2017, therefore in not providing the required monies, the developer was technically in breach of contract. However, the developer had instigated discussions about the revision of the agreement with the Council in advance of the trigger point being met, which they were legally entitled to do.

The Development Manager advised Members that developers were able to contest an agreement or request amendment to the terms therein at any time, therefore the commencement of discussions with the Council was considered to be a mitigating circumstance.

The development of the site had been permitted to take place in two phases, with the larger portion of the works being carried out in the second phase under application 17/0131. The report and its recommendation sought to amalgamate the legal agreements for the individual applications into an overarching agreement, where the developer would be required to meet the stipulated obligations in the second phase of the overall site's development.

The Member sought further confirmation that, were the Committee to reject the proposed amendment to the legal agreements, the Parish Council would remain legally entitled to the payment as set out in the original Section 106 Agreement.

The Development Manager confirmed that, were the Committee not to endorse the revisions to the agreement as recommended in the report, the Council would have to take action to require the developer to comply with the terms of the original Section 106 agreement relating to application 16/0159.

With regard to the permission pertaining to application 17/0131, there were three factors which had made the development acceptable to the Committee: Affordable Housing provision, education contribution, and open space provision. The reassessment of the development's viability had concluded with the two options for revising the Section 106 Agreements as detailed in the report, Officers had recommended Option 1 which would provide 3 social rented and 3 discounted sale units, with no education contribution or Parish Council contribution.

A Member asked why the number of affordable housing units provided was not able to be reduced in order to provide the Parish Council with either the agreed or an increased contribution based on the additional profits the developer would accrue.

The Development Manager responded that it would be reasonable for Members to amend the proposed revision to the legal agreements in order for the Parish Council to receive the contribution stipulated in the original agreement, but that it would not be reasonable to expect the developer to increase that contribution. He considered that the three proposed social rent affordable housing units were an essential requirement of the scheme, with regard to the discounted sale units he advised that it was a matter for Members to consider what they viewed as more reasonable: retaining the proposed three units or reducing the number to enable the developer to meet the contribution to the Parish Council.

A number of Members expressed serious dissatisfaction that the developer had requested a renegotiation of the legal agreement on the grounds of development costs, they were further concerned that allowing a revision to the agreement would set a precedent for other developers to seek to negotiate agreements they considered too onerous.

Further concerns were expressed regarding the options outlined in the report, as Members considered them to be too few and not sufficiently wide-ranging.

A Member moved that further report be submitted to a future meeting of the Committee, outlining all the obligations and options available to Members, which was seconded and it was:

RESOLVED - That a further report be submitted to a future meeting of the Committee, outlining all the obligations and options available to Members.

DC.20/18 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 Numbers 2, 3, 5 and 6 of Part 1 of Schedule 12A of the 1972 Local Government Act.

DC.21/18 AFFORDABLE HOUSING CONTRIBUTION – REAR OF SCOTBY ROAD, SCOTBY

(Private by Virtue of Paragraph 3)

Councillor Earp having declared a registerable interest in the item of business, remained outside of the Council Chamber and took no part in the discussion or determination of the matter.

The Development Manager submitted report ED.06/18 Affordable Housing Contribution – Rear of Scotby Road, Scotby which outlined the financial aspects of the viability assessment submitted in support of the Part A Report to revise the Section 106 Legal agreements in respect of applications 16/0159 and 17/0131.

Members discussed the reasons for the revisions to the original Section 106 Agreement.

In response to a question from a Member regarding when a Viability Assessment was required to be submitted, the Development Manager outlined the circumstances which would necessitate such a submission and the process involved therein.

Members gave consideration to the various legal and planning constraints applicable to the renegotiation of Section 106 Legal Agreements and the financial information contained in the report.

A Member moved that the information provided and the financial aspects of the viability assessment submitted in support of the Part A Report to revise the Section 106 Legal agreements in respect of applications 16/0159 and 17/0131 be noted. The proposal was seconded and it was:

RESOLVED – That the Development Control Committee noted the information provided and the financial aspects of the viability assessment submitted in support of the Part A Report to revise the Section 106 Legal agreements in respect of applications 16/0159 and 17/0131.

Cllr Earp resumed his seat.

DC.22/18 QUARTERLY REPORT ON PLANNING ENFORCEMENT

(Private by Virtue of Paragraphs 2, 3, 5 and 6)

The Planning/Landscapes Compliance and Enforcement Officer submitted report ED.04/18 Quarterly Report on Planning Enforcement which covered the period October to December 2017. An overview of the number of cases addressed in 2017 was given and details of recently received cases were provided to Members.

Slides were shown on screen which illustrated a proportion of the ongoing live enforcement cases the Council was seeking to address.

The Planning/Landscapes Compliance and Enforcement Officer noted that a different system for recording the various types of compliance enquiries and enforcement case was to be implemented, with a view to making the clearer, for the benefit of Members, the types of enforcement activity undertaken.

The Committee then gave consideration to the report.

Members considered and discussed a number of the ongoing enforcement cases detailed in the report, along with potential future course of action the Council was able to take in order to bring about the required compliance.

In response to a question from a Member, the Planning/Landscapes Compliance and Enforcement Officer indicated that she would look at what enforcement action was able to taken in relation to “sandwich boards”, in conjunction with the Highway Authority.

With respect to the issues raised in paragraph 3.7 of the report, a Member requested that the Parish Council be kept abreast of developments. The Planning/Landscapes Compliance and Enforcement Officer undertook to update the organisation on progress regarding those matters.

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 13:04]