

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 20 DECEMBER 2013 AT 10.00 AM

PRESENT: Councillor Scarborough (Chairman), Councillors Bloxham, Mrs Bradley, Craig, Earp, Graham, Mrs Luckley, Mrs Parsons, Mrs Patrick (as substitute for Councillor McDevitt), Mrs Riddle, Mrs Warwick and Whalen

ALSO

PRESENT: Councillor Allison attended the meeting as Ward Councillor in respect of application 12/0793 (land bounded by Hammonds Pond, Oaklands Drive and Durdar Road, Carlisle)
Councillor Cape attended part of the meeting as an observer
Councillor Collier attended part of the meeting as an observer

Mr R Hayward, Highways Engineer, Cumbria County Council

OFFICERS: Director of Economic Development
Development Manager
Director of Governance
Landscape Architect/Tree Officer
Principal Planning Officer
Planning Officers (X5)

DC.102/13 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor McDevitt.

DC.103/13 DECLARATIONS OF INTEREST

Councillor Bloxham declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0752 (land adjacent Lime Tree House, Irthington, Carlisle, CA6 4NN). The interest related to the fact that he lived in the village.

Councillor Craig declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0559 (field to east of The Strand, Aglionby, Carlisle, CA6 6NX). The interest related to the fact that he had dealt with planning related issues for the applicant in the past but had no involvement in the current application.

Councillor Craig declared a registrable interest in accordance with the Council's Code of Conduct in respect of application 13/0797 (land between Townhead Road and Station Road, Dalston. The interest related to the fact that he had attended Dalston Parish Council when the application was discussed but took no part other than drawing clarification.

Councillor Craig declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0576 (Rose Bank Sawmill, Dalston, Carlisle, CA5 7DA) and agenda item A.2 (Confirmation of Tree Preservation Order 267). The interest related to the fact that he had purchased timber and timber products from the applicant over the past 35 years.

Councillor Earp declared an interest in accordance with the Council's Code of Conduct in respect of applications 13/0521 (Skelton House, Wetheral, CA4 8JG), 13/0559 (field to

east of The Strand, Aglionby, Carlisle, CA6 6NX) and 13/0792 (land to rear of The Whins and adjacent to Sewage Works, Allenwood, Heads Nook). The interest related to the fact objectors were known to him.

Councillor Graham declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0521 (Skelton House, Wetheral, CA4 8JG). The interest related to the fact that he was working on a project with the applicant in his Ward.

Councillor Mrs Parsons declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0559 (field to east of The Strand, Aglionby, Carlisle, CA6 6NX). The interest related to the fact that she knew the applicant.

Councillor Mrs Parsons declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0728 (land to rear of Hallcroft, Monkhill, Carlisle, CA5 6DB). The interest related to the fact that she was related to one of the objectors.

Councillor Mrs Patrick declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0521 (Skelton House, Wetheral, CA4 8JG) and agenda item A5 (Unauthorised Works at Skelton House, Wetheral). The interest related to the fact that she was related to one of the objectors.

Councillor Mrs Riddle declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0521 (Skelton House, Wetheral, CA5 8JG). The interest related to the fact that she was a friend of one of the objectors.

Councillor Mrs Warwick declared an interest in accordance with the Council's Code of Conduct in respect of application 13/0576 (Rose Bank Saw Mill, Dalston, Carlisle, CA5 7DA). The interest related to the fact that the architect was her neighbour.

DC.104/13 MINUTES OF PREVIOUS MEETINGS

The minutes of the site visits held on 18 December 2013 were noted.

DC.105/13 CHAIRMAN'S ANNOUNCEMENT

The Chairman advised that Agenda Item A.3 – Update of Application 10/1116: Carlisle Lake District Airport, Carlisle, Cumbria – had been withdrawn from the agenda due to legal reasons.

DC.106/13 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Director of Governance 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.107/13 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 318no dwellings (including 66no affordable dwellings), associated open space and infrastructure, land bounded by Hammonds Pond, Oaklands Drive and Durdar Road, Carlisle (Application 12/0793)

The Principal Planning Officer submitted the report on the application which had been the subject of a site visit on 18 December 2013. A representative from the Highways Authority was also present on the site visit. The Principal Planning Officer outlined for Members the proposal and site details, together with the main issues for consideration. Prior to the submission of the proposal the applicant had undertaken engagement with the local community, the extent and results of which were summarised in the Community and Stakeholder Engagement Statement. The application had been advertised in the form of site and press notices and the direct notification of the occupiers of 176 neighbouring properties. The County Council separately arranged for three drop-in sessions between the 3rd - 5th December 2012 respectively at the Community Centre, St John's Ambulance Station, Scalegate Road and Carlisle Racecourse. In response 50 letters/e-mails and a petition (with 143 signatures) objecting to the proposal and 18 letters commenting on the proposal had been received. A local resident objecting to the proposal had also commissioned a report from the Development Transport Planning Consultancy (DTPC). The County Councillor for Upperby had written objecting to the application. A copy of a letter written by the County Councillor for Dalston and Cummersdale had also been forwarded to the City Council. The Planning Officer summarised the issues raised.

The Principal Planning Officer presented slides that highlighted the access points of the development and the relationship to Eden Valley Hospice. He explained that a piece of land behind the Hospice was not part of the proposal.

The Principal Planning Officer explained that the current application site was designated an Urban Fringe Landscape and the latest figures indicated that there was six years supply of deliverable sites. Conversely, the proposed development of the site was compatible with the existing residential development at Blackwell Road and Oaklands Drive/Scalegate Road; the Strategic Housing Land Availability Assessment identified the majority of the site as being deliverable and developable within the first five years of the forthcoming Local Plan; the scale of the development was not considered to be untoward and it was in a sustainable location.

The Principal Planning Officer advised that it was considered to be a logical extension to the City. Concerns regarding highway safety could be addressed through the imposition of relevant conditions, the required improvements and provision of community infrastructure could be the subject of a Section 106 Agreement and the Council's Housing Strategy Officer had not raised any objections to the proposed tenure and size mix of the proposed affordable housing. The proposed development was unlikely, in itself or in combination, to have a significant impact on protected species/ecology and the River Eden Special Area of Conservation. Any impact on the living conditions of existing residents was not sufficient to merit the refusal of permission and it was not considered that the proposal would neither harm the long term conservation of tree and hedgerow cover, nor the landscape and the visual amenity of the area.

On balance, having weighed up the arguments for and against the proposal, the Principal Planning Officer concluded that any harm was outweighed by the benefits and the proposal was recommended for approval subject to the imposition of relevant conditions and the satisfactory completion of a Section 106 Agreement and agreement to the stopping up and diversion of the existing footpaths as set out within the report.

Councillor Allison (Ward Councillor) stated that he, along with Currock and Upperby County Councillors, had arranged drop-in sessions for residents to voice their concerns. The main issues were in respect of speeding traffic on Durdar Road and the proposed access opposite the former White Ox pub. A safety audit had deemed the access proposals as adequate and the Highways Engineer, during the site visit, had explained that there had been robust discussions to achieve minimum standards. The Highways Engineer had researched accident statistics for Durdar Road over the previous five years. Those statistics did not therefore include a fatality because it had occurred more than five years previously. Some unreported incidents were also not included in the statistics. Councillor Allison presented three photographs of the proposed access from various viewpoints. An extant planning permission for 42 dwellings on the Racecourse site involved a right turn only lane in the centre of the road to hold traffic waiting to access that development. That would be retained and would, in the Councillor's view, be significant. If the current proposal was approved there would be two substantial developments on either side of the bend. The proposed right turn only lane extended much of what could be seen at that corner. The Highways Engineer considered the view splay distance to be just adequate but vehicles being held in that lane could obscure the view of traffic emerging from side roads and turning left towards the City Centre whilst vehicles were emerging from the development site. The worst problem would be during the morning rush hour.

Members were advised that the hedge along the bend would be grubbed out in its entirety up to the boundary of the two houses on that side of the road. The Ward Councillor queried whether that would make any difference. Two houses on that side of the road were currently for sale and the Ward Councillor, and residents, believed that there was a unique opportunity to demolish those houses to provide a roundabout as a self regulating speed device and safe access to both sites.

The Ward Councillor was disappointed that, rather than provide proper infrastructure for major developments, minimum standards were provided. Once planning permission had been approved developers who applied and secured separate permissions could not be required to contribute to road infrastructure. The consultant's report commissioned by the County Council showed that the increase in traffic since the opening of the CNDR extended to Durdar Road and particularly for HGVs which had increased by 18%.

The Ward Councillor concluded by requesting that a desktop study, at least, be undertaken to assess the technical feasibility and estimated cost of a roundabout.

Mr Workman (St Cuthbert's Without Parish Council) stated that whilst his own house backed onto the proposed development he was speaking on behalf of the Parish Council. The main concern of the Parish Council was the proposed access onto Durdar Road which was on a blind bend and on a slope down from two houses. Traffic travelling along Durdar Road would not be able to stop under certain conditions and the proposed development would create an increase in the amount of traffic and pedestrians along that route. The Parish Council urged the Highways Authority to reconsider a different scheme for the access or a different access onto the development.

The entrance onto Scalegate Road was also on a blind bend on a road with a 60 mph speed limit up to the junction. The speed limit was then reduced to 20 mph but was on a back road which was not gritted and again it would be difficult for traffic to stop.

The Parish Council were also concerned about the schools provision in the area which was already at capacity.

Miss Lightfoot (Agent) advised that the application had been discussed for several months prior to submission. The County Council had been consulted, a community consultation event had been held and discussions with wider consultees including Eden Valley Hospice.

With regard to location the site was well related to the urban centre of Carlisle and services such as local shops and community facilities were within walking distance. The scheme was well related to existing housing as well as to the urban park of Hammonds Pond. The scheme provided an excellent opportunity for high quality housing in an area which had had limited development over recent years and would contribute positively towards meeting the Council's housing targets and supporting the economic strategy to enable Carlisle to grow its employment base.

With regard to highway issues the application had been supported by a Transport Assessment, travel plan and Road Safety Audit. Independent advice had also been sought and it was concluded that the accesses onto Scalegate Road and Durdar Road were acceptable. The internal layout of the scheme had been assigned to reflect the principles of Manual for Streets with low vehicle speeds, a permeable layout and shared surfaces. It had been demonstrated that the required 70 metre splay onto Scalegate Road could be delivered and the road in front of the SUDS had been widened to accommodate a re-routed footpath. There were no highway issues that would merit refusal of the application.

Ecologically, the site had been subject to a tree survey and extended habitat surveys. An assessment of likely significant effects had also been undertaken due to the relationship of the site to Wire Mire Beck which ran into the Caldew and thereafter the Eden. Natural England had not raised any objection to the scheme and the assessment concluded that the development of the site would not have a significant effect either by itself or in combination with other developments.

With regard to community benefits, the scheme would deliver 66 much needed affordable homes of which 31 would be rented and 35 for low-cost home ownership. Work was to be undertaken within Hammonds Pond providing improved facilities.

Miss Lightfoot acknowledged that housing developments always generated a lot of interest from neighbours and the developer had worked with stakeholders to ensure the development was appropriately mitigated and would offer the City quality housing and the economic benefits associated with house building. The development offered new homes in a sustainable location and had been developed to fully take into account the requirements of the National Planning Policy Framework and the Local Plan.

The Committee then gave consideration to the application.

Members were concerned about the access on Durdar Road despite assurances made by the Highways Authority.

A Member stated that he had no issues with the proposal in principle but had concerns about highway safety and drainage. Whilst he acknowledged that Highways Authority standards had been met there had been no detailed drawing of how they would be achieved. The Member moved the Officer's recommendation for approval and allow the Development Manager to approve an acceptable design for the access. The Director of Economic Development advised that course of action would be acceptable.

A Member was also concerned about highway issues and was confused that the report stated that the Highways Authority were of the view that if a satisfactory junction could not be achieved then the application should be refused, but later in the report stated that the Highways Authority had not much objection to the proposal.

The Member also believed that minimum standards should not be accepted and should look to the future to prevent problems that may arise. The developer had been asked to contribute a considerable sum towards the improvements at Hammonds Pond and the Member believed that some of the money should be diverted to ensure the access and exits were safe as they could be.

The Director of Economic Development reminded Members that minimum standards of highway safety had been achieved and advised that if Members believed that a different standard should be achieved that was a policy issue that should be dealt with through the Local Plan and Supplementary Planning Documents.

On a recent visit to the Eden Valley Hospice the Member had noticed the piece of land behind the hospice and acknowledged that the land was not part of the current application. The Member was concerned that building could take place at some point in the future and queried whether the developer could be asked to deed the land to the hospice with a condition that it would never be built on.

In response to the various queries made, the Principal Planning Officer explained that due to the conflicting reports and views, the Council had employed its own highways consultant which had led to the current recommendation. With regard to the Highways Authority the Principal Planning Officer explained that the comments were in relation to the plans submitted and conditions within the report would deal with those issues raised.

The Principal Planning Officer advised that it was not always possible to pursue the optimum solution but a judgement had to be made on whether it could achieve a satisfactory solution. If there was a change in the circumstances in the future that could be dealt with at that time as it was not part of the current application.

The land behind the Hospice was not part of the development site and the Principal Planning Officer did not believe it would be reasonable to ensure that it would remain undeveloped but agreed to talk to the responsible parties with regard to keeping the land undeveloped.

A Member queried whether the suggested 20 mph limit could be extended to the entire estate as stated within the report but not in the conditions. The Highways Engineer advised that Traffic Regulation Orders were part of the Road Traffic Act and were not preordained. He had suggested a 20 mph limit on Scalegate Road be extended to the whole estate. However it would not be appropriate to impose a 20 mph limit on Durdar Road as it had already been reduced from 40 mph to 30 mph. In response to a query from a Member the Highways Engineer confirmed that there would be signs advising motorists of the revised speed limit and that there would be countdown markers. The Highways Engineer had demonstrated that a 70 metre splay could be delivered and that there was more than adequate stopping sight distance.

A Member was concerned about the access on Scalegate Road which was in a rural location where the road was narrow and the proposed access on a bend.

A Member stated that whilst the development was in the Parish of St Cuthbert's Without it appeared that there would be little benefit to the Parish from the Section 106 contribution. He requested that a condition be imposed that would restrict the affordable housing provision to the proposed site to ensure that affordable housing would remain on the site and not be transferred in the future. The Principal Planning Officer confirmed that the affordable housing would remain within the development.

It was moved and seconded that the application be approved with the conditions stated.

RESOLVED – That the application be approved, along with the stopping up and diversion of the existing footpaths, subject to the imposition of relevant conditions and the satisfactory completion of a Section 106 Agreement as indicated within the Schedule of Decisions attached to these minutes.

(2) Variation of Condition 2 (Approved Documents) of previously approved permission 10/1066, Skelton House, Wetheral, CA4 8JG (Application 13/0521)

The Planning Officer submitted the report on the application which had been deferred at the previous meeting following an objection that raised concerns about the accuracy of figures reproduced in the report. The Planning Officer reminded Members of the objection and explained the issues in respect of the objection. The Planning Officer outlined for Members the background to the application, the proposal and site details, together with the main issues for consideration.

The application had been advertised by means of site and press notices as well as the direct notification to the occupiers of 59 of the neighbouring properties. In response 99 letters of objection were received. Since publication of the report, additional correspondence had been received from the Save Wetheral Village Group, as well as ten further letters of objection. The Planning Officer summarised the issues raised therein.

The Planning Officer reminded Members that the application had been deferred at the previous meeting to allow clarification of the proposed increase in the building. Further letters from Save Wetheral Village Group maintained that the Council was incorrect in its assessment in that the footprint of the building was 26.34% larger than approved, the total floor area had increased by 39.17% and the building was seven metres longer when measured front to back. Since the last meeting Officers had measured the approved footprint of the building and the plans had also been measured electronically and the footprint calculated by computer software. That showed that the footprint of the approved building was 684 m² compared to the current application which was 834 m², an increase of 150 m² which was the equivalent to 21.9%. The barn that was proposed to be retained measured 50 m² and the proposed bin store measured 22 m² which was a decrease of 28 m² equivalent to -56%. The total footprint of the approved scheme, including the barn, was 734 m² and the proposed footprint, including the bin store, was 856 m², an overall increase of 16.6%.

A Member was concerned that if permission was granted how that would affect a later agenda item concerning enforcement action on unauthorised works on Skelton House. The Development Manager explained that there were different types of enforcement issues and the current application would impact on the enforcement action to take and would determine the action taken. Until the application was determined it would be difficult to decide what action should be taken.

The Planning Officer presented slides that showed the approved block plan and the site plan. He explained that as part of the Council's assessment there was a discrepancy in the approved plans. The application had included a block plan and a site plan and during the course of the application the scheme had been revised several times and the site plan changed. However, the block plan remained unchanged. The site plan showed an enlarged building that was also longer in length measured from front to back. Accordingly, when a comparison was drawn between the block plan and the currently proposed floor plans, that would indicate a percentage increase of 27% which was the figure quoted by residents and the Save Wetheral Village Group.

A lot had been made in correspondence that the application should have been for full planning permission and not a minor material amendment. The amendment procedure was introduced into the planning legislation and was a legitimate process. He advised Members that they were required to focus on the merits of the revised scheme in light of the approved scheme which was a material planning consideration and the starting point for the current consideration. Fundamentally, the revision sought consent for fifteen two-bedroom flats in a four-storey building with vehicular access and 24 parking spaces. None of those aspects had been altered by the current application. The footprint of the building had been moved within the site and the merits of that were discussed in the report.

The Planning Officer explained that there was a requirement to consult English Heritage on sites over 1,000 m² in Conservation Areas. Whilst the current application was a revision of a condition, and technically no consultation was therefore required, third parties maintained that that should have been done. For completeness, the Council had consulted English Heritage and a response had been received advising that they did not wish to make any comments and advised that the application should be determined in accordance with national and local policy guidance.

The Highways Authority had provided further clarification on their views. Since the initial response was provided a new Highway Engineer had been appointed for the District and the Planning Officer who had stated that the comments from the Highways Authority were well written and made a case for the increased parking provision and stated that the views of the Highways Authority remained unchanged. The Highways Engineer quantified the views of the Highways Authority which the Planning Officer summarised.

The Planning Officer acknowledged that the site did not comply with the figures indicated in the parking standards. There was however a bus stop and a rail station in close proximity and there would be very slim chance of that element, should that be the sole reason for refusal, standing up at appeal.

Based on those comments, the approved scheme having 24 parking spaces and the fact that the same number of flats and bedrooms remained, the Planning Officer believed it would be unreasonable to refuse the application on that basis.

The Planning Officer continued by clarifying the proximity to neighbouring properties in the context of the Council's Supplementary Planning Document. The Planning Officer explained that the development was largely compliant with the distances stated in the document. There was one bedroom window that faced the blank gable of Acorn Bank and was less than the minimum distance. That was the only exception within the scheme. Given the benefits of the scheme in terms of enhanced design and appearance, and that the window was the only conflict with the policy, that was acceptable. In addition, the approved scheme also included a window on the same elevation that was less than the minimum distance.

The Planning Officer explained that in overall terms the principle of the proposed development had previously been accepted. The proposed apartment building could be accommodated on the site without detriment to the living conditions of the neighbouring properties or the character/setting of the Wetheral Conservation Area and adjacent Listed Building. The Highway Authority had advised that the parking/access arrangements and the anticipated level of traffic generated by the proposal would not prejudice highway safety. In all aspects, the proposal was considered to be compliant with the objectives of the relevant Local Plan policies.

There were a significant number of objections to the proposal from residents and the Save Wetheral Village action group. Many of the issues related to the scale, design and visual impact on the character of the Wetheral Conservation Area. The Planning Officer drew Members' attention to the response from the Conservation Area Advisory Committee and the assessment in the report. On the basis of the approved scheme together with the amendments proposed, the proposal was acceptable and would not have a detrimental impact on the character of the Conservation Area.

The Planning Officer reminded Members that all other conditions of the approved scheme remained applicable. If Members were minded to grant consent, the Section 106 Agreement that secured the provision of three affordable units, a financial contribution of £3,500 to secure an amendment to the traffic Regulation Order to provide bus clearway markings, a financial contribution of £3,000 to be spent by the Parish Council towards the provision of play facilities for older children and/or the provision of allotments and the provision of a management company to oversee the maintenance of the building and the collection of refuse needs to be varied to take account of the revised consent. Therefore the Planning Officer recommended that authority to issue approval of the application be given to the Director of Economic Development subject to the completion of a Deed of Variation to the Section 106 Agreement.

Mrs Ferguson (Objector) stated that she was speaking on behalf of the immediate neighbours of the site as well as the 100 residents of the village who had lodged objections to what would be the biggest development of a single building proposed in the village and questioned why the developer wished to make it even bigger. The presentation had been prepared with the owner of a neighbouring dwelling who was currently out of the country.

Mrs Ferguson believed that Members were being misled by the current application and advised that residents had measured the plans and determined that they were 688 m² as opposed to the 684 m² as stated in the report. They had calculated the size of the footprint for the proposed development as 827 m² making an increase of just over 20%. The report had also stated that the floor area of the barn should be included in the measurement but as that had been demolished without consent and the developer had no intention of including it in the current scheme it was irrelevant to those measurements.

Residents believed that Officers were clutching at straws in trying to get the development down to a 10% increase which they believed was due to the feeling that a 10% increase would be classed as a minor material amendment whereas the over 20% increase would most certainly be a major amendment.

Since the last meeting there had been communication between residents and the planning department regarding what constituted a minor amendment. The planning department had advised that the decision was at the discretion of individual planning authorities.

Residents then sought the views of WYG Designs as referred to in the report. They advised that residents should study the relevant guidance documents. Residents believed that any increase over 20% in respect of footprint and 40% in respect of floor area could not logically be described as minor. In addition to the increased size of the footprint, a fourth floor had been added to the scheme thereby increasing the floor area by 37.82% thus vastly increasing the bulk and scale of the development within a Conservation Area which contravened the Council's recommendations as set out in Policy LE19. That Policy also stated that adequate space between the new and existing dwellings must be provided. Mrs Ferguson advised that that distance was 4 metres on the side adjoining the Grade II Listed Acorn Bank.

The amended drawings indicated a false door front on the South elevation which had no apparent purpose. Residents believed that the plans were poorly drawn and lacked the accuracy expected of a drawing to be presented to a Planning Committee.

Problems had started when the site was purchased and Skelton House and Carleul were removed from the plan of the Wetheral Conservation Area published on the Council's Planning Portal. When Carleul was reinstated Officers admitted it had been a clerical error. The first set of drawings submitted was dated at least twelve months before permission was approved for the original application. It would have been impossible to amend the original plans therefore a new set of plans had been submitted in respect of the current application.

Mrs Ferguson reminded Members that the approval of the original application recommended that a condition be imposed that prevented work from being carried out prior to a contract being agreed for the redevelopment of the site that was in accordance with an approved scheme. The then Planning Officer had commented that the neighbouring property, Carleul, had the potential to be most affected by the development and recommended the retention of the single storey barn, the increase in height of the adjoining wall and the introduction of low level car park lighting.

The revised site layout plan made no reference to the previous conditions in respect of the single storey barn or the wall. The barn had been demolished without prior approval and therefore all conditions should be met except Condition 2 for which the variation was being sought. Conditions were clearly defined on the block plan for the original application and any variation to the site layout plan should be marked on the latest revision drawings. If the revised block plan was approved in its current form none of the conditions previously agreed would apply representing a considerable loss in amenity to the occupiers of neighbouring properties.

The Planning Officer's report stated that although the windows on the west elevation did not meet the requirement of 21 metres, that need not be a consideration as they were not primary windows. Mrs Ferguson advised that one window was the occupier's bedroom window and was only seventeen metres from a window in the proposed development and directly opposite the main and only entrance to the property. The report also stated that any windows in the development on the east elevation faced a blank wall but made no mention of the fact that those windows were less than five metres away and not the twelve metres required by the Supplementary Planning Document. Also the height of the development would allow several windows to look directly in Acorn Bank's conservatory.

The report also stated that notwithstanding the significant objections raised, it was the Officer's view that the scale, layout and design of the building were acceptable. Residents

believed that the views of over 100 residents should not be brushed aside over the view of one Officer.

Mrs Ferguson advised that the developer had started digging on the site on 18 November 2013 and on 3 December 2013 commenced laying block work. Residents believed that the ground levels had been altered and the work being carried out was in respect of the current application directly in violation of the conditions imposed in the approved plan. The notification decision for the initial application clearly stated that no development should commence until detailed landscaping had been agreed, an approved scheme for surface water drainage was presented and details of height and levels, both existing and proposed, had been agreed.

The architect had taken Acorn Bank as a point of reference for the building line and the new build looked to fall in line with the Listed Building. However, the bay window had been exaggerated on the block plan adding a rounded section of four metres. The projection was actually 1.85 metres and residents believed that the plans had been deliberately falsified in order to move the building forward. In respect of the Conservation Area Acorn Bank would be 3.5 metres behind the building line of the proposed development which was contrary to Policy LE12.

One further consideration was that the two apartments on the second floor were 250 m² each which was the equivalent of the floor area of two four-bedroom houses. The proposal had always been based on a development of fifteen apartments with parking originally recommended for 30 spaces. Residents sought assurances that those two large apartments would not be further sub-divided at a later date into four apartments thereby making the total number of apartments seventeen. Mrs Ferguson reminded Members that the Highways Authority had recommended refusal of the application due to lack of parking and the width of the entrance.

The report also quoted extracts from the Killian Pretty review but failed to mention that the review referred to the desire to stop “building creep” which residents believed was happening already on the site.

In conclusion Mrs Ferguson urged Members to refuse the application on the grounds that information had been manipulated in favour of the developer who was attempting to shoe-horn an oversized development onto the Conservation Site.

Mr Hall (Objector) stated that he lived next door to Carleul and had been asked by the occupier of Carleul to speak. Mr Hall had lived in Wetheral for seventeen years and like most of the residents believed that the current application was a step too far. The Planning Officer had not taken any of the objections raised into account and Mr Hall queried how a footprint increase of over 20% and a floor plan increase of 37% could be classed as a minor amendment.

Mr Hall believed that the application should be refused on several grounds. These included policies CP5 (design), LE12 (proposals affecting Listed Buildings) and T2 (parking in Conservation Areas). In addition the Highways Authority required 30 parking spaces but only 24 had been provided. Mr Hall reminded Members that any development over 1,000 m² within a Conservation Area should be referred to English Heritage. That had not been done in respect of the original application and was only carried out after it was brought to the Planning Officer's attention. For those reasons Mr Hall requested refusal of the application in favour of a new full planning application or referred back to the original application.

Mr Higginbottom (Parish Council) advised that the Parish Council believed that the proposal was over-development of the site and that there were more windows than originally submitted. The Parish Council were also concerned about the increase in traffic on an already busy road where vehicles parked on the road caused problems.

Mr Willison-Holt (Agent) advised that the Planning Officer had presented an appraisal of the scheme and how it related to the detailed plans. He believed that the scheme was nothing more than a variation to the original application and a refinement to make the building more attractive and deliverable. Both the Government and the local Council wished to deliver houses now rather than at some point in the future. Initial criticisms of the application had been undertaken and resulted in improved architecture and amenity. Full publicity and consultation had taken place and he believed that the current application was not an opportunity for residents to have a second bite of the cherry in respect of their objections to the application. Mr Willison-Holt did not believe the proposed increase in the size of the building would be considerable and the building would be further to the east than originally advised.

Mr Willison-Holt advised that the developer had no desire to sub-divide the two larger apartments and any application in that regard would require a separate planning application.

The Committee then gave consideration to the application.

A Member stated that the proposed development was supposed to replace the original Skelton House and the original application would have been adequate to replace that property. Guidance stated that a replacement dwelling could be increased by 15%. The approval of the original application was an increase in overall size and the current application was a further increase. The total increase therefore was over 33%. The current application had been submitted prior to the application that had been approved and had been refused presumably as it was felt to be excessive. The lesser application had been approved and now the developer had submitted the previous application which would be contrary to Policy H10. The scheme would be over-development of the site.

The Member advised that he had visited the site over the past two days and confirmed that the bay window on Acorn Bank was not as big as indicated on the plans and the development line would be somewhere onto the roadside and not in line with Carleul as suggested. The Member therefore moved refusal of the application on the grounds of Policies LE19, H10, CP5 and others. The motion was seconded.

A Member believed that the proposed dwelling was not in line with the local context. Policy H10 stated that a replacement dwelling had to be similar to the original dwelling and the proposed dwelling was not. Therefore the Member agreed that the application should be refused.

The Development Manager advised that it would not be appropriate to refuse the application as being contrary to Policy H10 as, whilst H10 referred to replacement dwellings, it referred to a small dwelling being replaced by a larger dwelling. Skelton House was not small and the increase in the approved application was 10% as compared to the previously approved application. Since then, Officers no longer used 15% as the guidance and therefore it was not appropriate to use H10 as a guide.

The Member stated that he could not remember being advised that 15% was no longer used. The Development Manager advised that permitted development rights had changed allowing larger increases to be taken into account.

The Member then referred to the report and queried what was considered to be a “reasonable time” in relation to the agreement being completed. The Development Manager advised that it depended upon the land ownership issues and a legal matter could affect the timescales. However, the application was ready to be actioned if approved.

A Member was concerned that the proposal was over-development of the site and was not needed in Wetheral. He had listened to the residents and believed that villages should be treated with care. He was not interested in the economics of the proposal but more on the plans and the potential impact on residents.

A Member reminded Members that the objectors had cast doubts on the accuracy of the plans, including the dimensions of the bay window of Acorn Bank and implied that the applicant had not submitted accurate plans. The Member sought clarification on the increase in size as there had been a lot of conflicting measurements put forward. The Planning Officer advised that due to the conflicting figures digital measurements had been taken which indicated that the footprint was 684 m² which, given the overall context of the development, was an increase of 16% on the site. With regard to the accuracy of the plans, the issue had been raised and the plan showed the context of the building and its relationship to the street scene. Members had visited the site and could see the development in context.

A Member queried why the footprint of the barn had been included when it was outwith the footprint of the main building. The barn had since been demolished and the footprint of the site was now 834 m². The Planning Officer advised that Members could either compare one building to the other as shown on the plans or include the barn and bin store.

It was moved and seconded that the application be refused.

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

There was a short break between 11:40 and 11:55.

(3) Erection of dwellings (Outline), field to the east of The Strand, Aglionby, Carlisle, CA6 6NX (Application 13/0559)

The Planning Officer submitted the report on the application consideration of which had been deferred at the previous meeting to enable a site visit to be undertaken. The site visit was held on 18 December 2013. The Planning Officer outlined for Members the proposal and site details, together with the main issues for consideration. The application had been advertised by means of a site notice and a notification letter sent to the occupiers of seven neighbouring properties. In response, thirteen letters of objection and one petition against the development had been received. The Planning Officer summarised the issues raised therein.

The Planning Officer confirmed that six trees were to be felled along with three hawthorns one of which was diseased. In place of the felled trees twenty would be planted in traditional, native species. That had been agreed with the Tree Officer.

Concerns had been raised regarding the access to the site. However, as confirmed within the report, subject to the slightly amended access point to allow better visibility, the Highways Authority had not raised any objections on highway grounds.

The Planning Officer explained that, in overall terms, the principle of the proposed development was acceptable. The scale, siting and massing of the proposed dwellings was acceptable in relation to the site and the surrounding properties. With minimal alterations to the layout, the living conditions of neighbouring properties would not be compromised through unreasonable overlooking or over-dominance. Adequate car parking, access and amenity space would be able to be provided to serve the dwellings. In all aspects the proposal was compliant with the objectives of the Local Plan policies and the proposal was recommended for approval subject to the completion of a Section 106 Agreement as indicated within the report.

Mr Yates (Objector) stated that he was a member of Wetheral Parish Council and was speaking on behalf of the residents of Aglionby. The Planning Officer had identified issues including road safety and the access issue and the proposed removal of between seven and nine mature trees both of which were too important to be consigned to Reserved Matters.

The Planning Officer's report stated that the Highways Authority had not objected to the application subject to the imposition of four conditions. That was in effect approval of the application but was misleading as the actual comments clearly indicated that the Highways Engineer had several reservations about the proposal. These included the visibility splays and potential issues with construction traffic. The Highways Engineer finished his comments by stating that he was malcontent with the situation and went on to say that the highways and transport impacts on their own were insufficient to justify refusal of the application unless there were other compelling refusal factors. Mr Yates believed there were several other factors.

The removal of the mature trees appeared to be contrary to Policies CP3 and CP5 and the requirement set out in the Council's Trees and Development Supplementary document. The proposal also did not comply with policies CP3, CP6, CP11, CP12 and CP17.

Mr Yates stated that the report referred to the railway. The proposal did not involve a railway in any way and there was no railway anywhere near the site in question. That reinforced that perhaps the Planning Officer had confused the application with another and had confused the recommendations.

Ms Bellwood (Agent) advised that she was speaking on behalf of the applicant. She explained that the Planning Policy Section had contacted her client and asked him to consider submitting the site for development. They felt it could provide an appropriate site for housing in the area. It was not allocated but that did not mean it should not be developed. The site felt like part of the village and the National Planning Policy Framework did not advocate using settlement boundaries in smaller settlements, but suggested each should be determined on its merits.

Ms Bellwood advised that a strong new hedgerow would be planted to create a physical end to restrict further development and there was no access through the site to the remainder of the field so further development would be naturally prevented. The Development Manager had played a significant role advising on the principle and layout of the scheme including the position of plot 4 the impact of which was now confined to the

closest neighbour. It was felt that five properties on the site was the correct number for the site. Discussions had also been held with the Tree Officer regarding the trees in the middle of the site and it was with his written agreement that it was proposed to remove the relevant trees and to replant twenty new trees including oak and birch.

Ms Bellwood had also spoken with the Crime Prevention Officer and agreed the scheme of details he required. The Highways Authority were not objecting to the development and the size of construction vehicles could be limited. A bin store would be located close to the access which would provide a tidy solution, fenced and easily accessible to residents and collection vehicles.

The proposed wildlife area was essentially on the low lying marshy ground that currently existed. That would not be built upon as it provided natural drainage as well as habitat. Surface water drainage would be to a mixture of the existing lower areas, and a new soakaway which in turn would lead to an existing field drain to the east of the site. Foul drainage would be to a package treatment plan for three properties and two would connect to the existing mains to the south of the site. All drainage issues had been resolved.

In terms of visual impact the layout minimised any overlooking or loss of light to the existing properties. Of the three properties on the western boundary one was screened by trees and another by an existing high banking. Only the middle property would view the new bungalow gable end with a timber fence and new hedge planted between.

The scheme would provide an affordable property as well as two bungalows. Ms Bellwood believed it was imperative that the housing provided in the district not only provided homes for young people but also for older people wishing to downsize or have a home that was easier to get around. Therefore Ms Bellwood hoped that Members would approve the scheme.

The Development Manager advised that in relation to the railway mentioned in the report that was an error and no reference to the railway should be included in consideration of the application.

The Development Manager also explained that Policy Planners had not requested that specific sites be put forward but considered those that were submitted.

The Committee then gave consideration to the application.

A Member stated that he was not happy with the personal criticism of Officers.

A Member was concerned about the highway issues on the bend and queried whether the access could be from the opposite side of the site. The Planning Officer explained that the area from which Members had viewed the application site on The Strands had access to the field but she was not aware of the current ownership of that land. The application before Members was with the access at the bottom of the site.

A Member stated that there had been issues with regard to the access to the site and the speed limit on that part of the road. The road was used by large agricultural vehicles which would cause an obstruction and prevent two vehicles from passing. The Member was happier having visited the site but still had some concerns about the highway issues.

The Member queried whether the wetland at the bottom of the site could be donated to the Parish Council who would maintain the site in perpetuity.

A Member believed the site and access to be acceptable and the development would be beneficial to the area. Therefore the Member moved the Officer's recommendation for approval. That motion was seconded.

RESOLVED – That the application be approved subject to the conditions indicated within the Schedule of Decisions attached to these Minutes.

(4) Partial demolition of walls and barns relating to Application 12/0878, land between Townhead Road and Station Road, Dalston (Application 13/0797)

The Planning Officer submitted the report on the application and Planning Officer outlined for Members the background to the application, the proposal and site details, together with the main issue for consideration which was the impact on the Dalston Conservation Area.

The application had been advertised by means of site and press notices as well as notification letters sent to twenty-two neighbouring properties. In response sixteen letters of objection had been received and the Planning Officer summarised the issues raised therein.

The Planning Officer explained that the application linked into an earlier application for 121 dwellings which was approved by Committee in August 2013 subject to the completion of a Section 106 Agreement. The original proposal was to demolish the stone wall and stone barn and to have new dwellings facing onto Townhead Road. Following concerns raised by Members the plans were revised so that the majority of the stone wall and part of the rear elevation of the stone barn could be retained.

The Planning Officer presented photographs of the site.

The Planning Officer advised that the existing stone wall, including the rear elevation of the stone barn, ran for approximately 80 metres adjacent to Townhead Road. The current application was seeking Conservation Area Consent for the demolition of 13 metres of the wall to provide access to the site and the reduction in height of 13 metres of the wall to 0.6 metres to provide visibility. Thirty four metres of the wall would be retained as it was, with the hedge that ran to the rear of those sections also being retained. The proposal also sought approval for the reduction in height of the rear elevation of the stone barn to between 2.4 metres to 3.2 metres and the demolition of the modern sheet metal barn.

It was acknowledged that the proposal would have an adverse impact on the Conservation Area. The Council's Heritage Officer and the County Archaeologist considered that the retention of the majority of the stone boundary wall and the roadside elevation of the barn would minimise the negative impact of the proposed development on the Conservation Area. The benefits of the previously approved housing scheme would outweigh the harm to the Conservation Area, which would not be significant. That had been accepted by Members in the determination of the housing application.

The Planning Officer explained that in overall terms the proposal would not have an adverse impact on the Dalston Conservation Area. In all aspects the proposal was compliant with the objectives of the relevant adopted Local Plan policies. Therefore the application was recommended for approval.

Mr Wilson (Objector) reminded Members that the City Council currently advertised its duties regarding Conservation Areas as development proposals must either enhance or at

least have a neutral effect on the character of the area and a duty to preserve and enhance the area and would formulate proposals to do so. He believed that approval of the application would go far beyond failure to enhance Dalston's Conservation Area and would contravene the Council's own policies as promised. The proposal contravened policies LE17 and E38 of the Joint Structure Plan and paragraphs 129, 131 and 135 of the National Planning Policy Framework. Mr Wilson was concerned about the sustaining and enhancing significance of the historic asset.

In June 2013 the Committee sought independent advice and Modal Group provided advice on how to save the existing buildings and a large portion of the wall, but their recommendations and the concerns of the Committee had been ignored by the applicant.

The Planning Officer's report acknowledged that the proposal would have an adverse impact on the Conservation Area then stated later in the report that it would not. Mr Wilson could not understand the literal sense of the second statement. Although English Heritage stated that they expected a specialist conservation advisory report none had been submitted by the Council.

Mr Wilson believed that approval of the application could be actionable and would mean that publicly stated policy assurances concerning the Council's preservation and enhancement of the Conservation Areas were misleading and false. Approval of the application would allow greed and vandalism to triumph over the community that the Council represented and therefore requested that the application be refused.

Dr Anderson (Objector) stated that the barn and wall were attractive features on a prominent corner of the village. They displayed centuries of modifications and maintenance reflecting the change of farm and land over at least 200 years. The wall effectively carried on up Townhead Road to the Craiktrees Cottages dated 1690 and the loss of height of the existing barn and removal of its roof and gable ends would severely diminish its visual impact. Alteration of the walls and barn would not preserve or enhance the Conservation Area.

Dr Anderson queried why the walls and barn should be demolished at all and why the development could not be modified. The applicant's Heritage Statement made no reference to the barns or walls on the corner of Townhead Road only to a stone and cobble wall which probably referred to the other wall behind the houses in the Square.

Bat surveys should be carried out between April and October with the optimum time being between June and July. The surveyor noted that evidence of bat activity in the barn was not obvious as the floor had been cleaned prior to his visit. Dr Anderson suggested that the new bat survey be undertaken now as villagers had reported bats feeding in the area.

Dr Anderson believed that the barn and wall deserved more consideration than had been given and that the Committee should reject recommendations which would cause more harm than benefit to the Dalston community.

Mr Auld (Parish Council) advised that the Parish Council objected to any change to the street scene as a result of the application on several grounds. He believed that the application was contrary to policies LE17 and E38 which stated a presumption in favour of retention of buildings that made a contribution to a Conservation Area. The application would result in the lowering of part of the wall and barn which were part of the historical and valued architecture of Dalston. The loss of those features was to allow four houses in an already over-large development to have their back views exposed to Townhead Road.

There was no practical reason why that feature should be altered and Mr Auld queried the impact on the street scene from Madam Banks Road.

If it was believed that the changes to the walls and barn would have a beneficial effect on traffic splays and visibility then there were other ways to deal with those issues. Mr Auld queried why the wall and barn had been missed out of the Heritage Statement. The County Historic Environment Officer had stated previously that the barn and boundary wall adjacent to Townhead Road made a positive contribution to the Conservation Area. The advice given by the Modal Group, employed by the City Council to give advice on how to save the existing buildings and a large proportion of the wall had been ignored. Residents of Dalston were opposed to any change to the current profile and height of the wall and barns. Mr Auld queried whether the barn, in its present form, could be examined to see if it could be converted to another purpose such as a library or community building which were needed in Dalston.

Ms Lightfoot (Agent) reminded Members that the application had been given a great deal of consideration when the application was presented in August 2013. At that time the impact on the Conservation Area was given much time to discussion. Conservation Area Consent was applied for at that time but withdrawn so it could be re-submitted to reflect the final approved details for the wall.

At that time it was reported that English Heritage and the Council's Design and Historic Buildings Officer were content with the detail for the retention of the wall as proposed with the proposal considered less than significant under National Planning Policy Framework. The proposal enabled the maximum amount of wall to be retained whilst allowing access and provided an appropriate balance between the preservation of the wall and the design of the scheme. The scheme responded in a bespoke design solution delivering quality design and other benefits including affordable housing. Ms Lightfoot hoped that Members would approve the application.

The Committee then gave consideration to the application.

A Member stated that the section of wall bore no resemblance to those indicated in the plans. The height of the wall would be reduced to improve visibility and an opening formed to provide access onto the site. The other issues raised had all been dealt with and agreed at the meeting in August. The Planning Officer reminded Members that they were considering the Conservation Area consent for the demolition of part of the walls at the meeting.

The Planning Officer, in response to a query from a Member, confirmed that the rear elevation of the barn would be reduced to between 2.4 metres and 3.2 metres in height.

A Member acknowledged that the wall and barn would be retained as much as possible. The application was not much different to what had been originally agreed apart from the break through of the wall to allow access and egress from the site.

A Member stated that the Committee had made it clear previously that they were concerned about the wall and the barn. However he acknowledged that the developer had to develop the site and had made every effort to preserve as much of the wall and barn as he could.

It was moved and seconded that the application be approved.

RESOLVED – That the application be approved subject to relevant conditions as indicated within the Schedule of Decisions attached to these Minutes.

The meeting adjourned for lunch at 12:30 and re-convened at 1:10.

(5) Removal of Condition 12 of previously approved permission 02/0342 to allow units 2 and 3 to be used as permanent residential accommodation, Units 2 (Roman Retreat) and 3, former Kingwater Equestrian Centre, Walton, Brampton, CA8 2JW (Application 13/0683)

The Planning Officer submitted the report on the application and outlined the background to the application, the proposal and site details together with the main issues for consideration.

The application had been advertised by means of a site notice and direct notification to the occupiers of two of the neighbouring properties. In response, five letters of objection were received and the Planning Officer summarised the main issues raised therein.

The Planning Officer reminded Members that the application sought permission for the removal of a restrictive occupancy condition as outlined in the report. It had been alleged from correspondence received from third parties that the applicant had no right of access to the building.

The Planning Officer presented slides showing the plan of the site. He advised that the applicant had signed a Certificate of Ownership B and served notice on the owner of the land which discharged his requirements under the planning legislation. If there was any dispute over adjoining land, that was a separate matter between the relevant parties involved.

The Planning Officer advised that in overall terms, the site was not in a sustainable location. However the policies within the National Planning Policy Framework were supportive of the use of the buildings as permanent residential dwellings. The living conditions of the occupiers of neighbouring residential properties would not be adversely affected by the extended occupancy period. In all aspects the proposal was considered to be compliant with the objectives of the relevant Local Plan policies.

Mr Worthington (Solicitor for Objector) stated that he was speaking on behalf of residents in neighbouring properties. He noted that the plans displayed were incorrect but stated that that was not a criticism of the Officers concerned. The plan within the report differed from that presented on the slide which indicated that access across the land was by public footpath only and not a Right of Way. The right of access was on the Community First land and therefore using that land to access the property would be trespass. Community First had not been properly informed of the application. Documents in Mr Worthington's ownership showed a Right of Access but none was shown on the slide.

The Highways Engineer had also approved the proposal but that decision was centred on the ability to park at the Kingwater Equestrian Centre. Mr Worthington did not believe the Highways Engineer had seen the slide showing the Right of Access.

Mr Worthington acknowledged that it was not for the Committee to decide the Right of Access but asked them to note the distinction between the plans and not grant planning permission on someone else's land. He requested that further investigation be undertaken on the lawful use of the Right of Access before making a decision.

The Highways Engineer confirmed that their comments had been based on submitted documents and the veracity of the ownership of the land was not for the County Council to determine. Therefore he requested that the application be deferred to allow the accuracy of the information to be determined.

The Planning Officer advised that it was not unusual to have several sets of plans and added that the submission within in the report was correct. The applicant acknowledged that he did not own all of the land on the site. It had been previously agreed that the building could be occupied 365 days per year and the Planning Officer reminded Members that they were being to consider the removal of that condition. All planning issues had been addressed.

The Director of Governance reiterated the Planning Officer's comments and reminded Members that the access was determined when the full application was approved. However, Mr Worthington had attended the meeting based on information within the report but the plan presented at the meeting was different to that in the report. Whilst the Director acknowledged that there was an issue with access he reminded Members that matters needed to be procedurally correct and therefore suggested consideration of the application be deferred to allow the correct information to be forwarded to those involved.

It was moved and seconded that the application be deferred.

The Chairman advised Ms Howe, who had registered a right to speak, that she could speak at the meeting or defer that right to a future meeting when the application was re-submitted. Ms Howe agreed to speak at the future meeting.

RESOLVED – That consideration of the application be deferred to allow further discussions to take place between the applicant and the Council regarding the access arrangements and to await a further report on the application at a future meeting of the Committee.

(6) Erection of 1no detached dwelling, land adjacent Lime Tree House, Irthington, Carlisle, CA6 4NN (Application 13/0752)

The Planning Officer submitted the report on the application which had been deferred at the previous meeting to allow a site visit to be undertaken. The site visit was held on 18 December 2013. One representative from the Highways Authority, who was also in attendance, demonstrated to Members how the visibility splays could be achieved. The Planning Officer outlined for Members the background to the application, the proposal and site details, together with the main issues for consideration.

The Planning Officer advised that the application had been advertised by the direct notification of five neighbouring properties and the posting of a site notice. In response two e-mails of objection had been received. The Planning Officer summarised the issues raised therein.

The Planning Officer advised that the report made reference to a temporary access track used by United Utilities, which was still in existence when the Planning Officer made her initial site visit. However, as was evident on the site visit, that access had now ceased and the highway wall rebuilt.

The Planning Officer presented slides which indicated the application site and its relationship with other residential properties within Irthington and the extent of the Flood Zone as mapped by the Environment Agency. However the Planning Officer had since been advised that the area had previously been subject to localised flooding. In light of that knowledge the Planning Officer suggested that a condition be imposed ensuring the submission of both the finished ground and floor levels were submitted prior to commencement of any development. That would help to ensure that future occupiers of the dwelling were protected should such localised flooding occur again. The slides also indicated the route of the mains sewer, the electricity sub-station and the retained trees one of which was protected by a Tree Preservation Order.

The Planning Officer advised that the principle of development of the site was acceptable under the provisions of the National Planning Policy Framework. The scale and design of the dwelling was acceptable and would not have a significant detrimental impact on the character of the area, the buffer zone on the World Heritage Site or the living conditions of the occupiers of neighbouring properties. Adequate parking and access provision could be achieved whilst the method of disposal for foul and surface water was acceptable subject to the imposition of relevant conditions. The proposal would also retain existing mature trees and would not have a detrimental impact on biodiversity.

In overall terms the proposal was considered to be compliant under the provisions of the National Planning Policy Framework and the objectives of the relevant Local Plan policies. Accordingly, the Planning Officer recommended approval of the application subject to the imposition of the suggested conditions in respect of finished ground and floor levels.

The Committee then gave consideration to the application.

A Member reminded the Committee that a neighbouring property, Pasture House, had been built on appeal and that the ground had been built up due to difficulties with the land. He believed that the same consideration should be given to the current application. However he did not believe that buildings should be erected on land where it was known to flooding without advising the applicant about the necessary flood restraints.

The Member was pleased with the entrance and exit treatments and the report indicated that there was not a lot of difference to the site while the pumping station was there. The Highways Authority had insisted on the installation of traffic lights at the junction. The Member urged the Highways engineer to improve the 30 mph signage as the current signs were covered in verdigris and cars frequently speeded through the village.

RESOLVED – That the application be approved subject to relevant conditions indicated within the Schedule of Decisions attached to these Minutes.

(7) Erection of 1no dwelling (Reserved Matters Application pursuant to Outline Permission 13/0034), part of OS field no 0770, Castle Carrock, Cumbria (Application 13/0795)

The Planning Officer submitted the report on the application which had been the subject of a site visit on 18 December 2013. The Planning Officer outlined for Members the background to the application, the proposal and site details together with the main issues for consideration. The application had been advertised by means of site and press notices as well as notification letters sent to four neighbouring properties. In response seven letters of support had been received and the Planning Officer outlined the issues raised therein.

The Planning Officer presented photographs of the site and relevant plans. There was also a photomontage of the site.

The Planning Officer reminded Members that outline permission had previously been granted and the current application was a Reserved Matters application. The Planning Officer acknowledged that the proposed dwelling was large but it was in a large plot and would be kept low by the utilisation of roof space. The existing landscaping would help to screen the building from the village and new landscaping would be provided on the rear of the boundary.

The Planning Officer explained that conditions could now be discharged on the outline application that related to landscaping, boundary treatment and provision of parking within the site. The condition on drainage could also be discharged as relevant information had been received.

The Planning Officer advised that in overall terms, the principle of a dwelling on the site had already been established by the granting of outline planning permission. The scale and design of the proposed dwelling were considered to be acceptable and the proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. In all aspects, the proposal was compliant with the objectives of the relevant adopted Local Plan policies. Therefore the Planning Officer recommended approval of the application.

The Committee then gave consideration to the application.

A Member believed that the proposed dwelling was too big for the site and that the applicant should stick to the plans originally submitted. The original recommendation was for refusal as the dwelling encroached on open countryside but was now recommended for approval.

It was moved and seconded that the application be refused.

The Chairman reminded Members that the Officer's recommendation was for approval of the application and it was moved and seconded that the application be approved in accordance therewith.

Following a vote it was:

RESOLVED – That the application be approved subject to relevant conditions as indicated within the Schedule of Decisions attached to these Minutes.

(8) Erection of 4no dwellings, land behind Townfoot Farm, Castle Carrock, Brampton, CA8 9LT (Application 13/0841)

The Planning Officer submitted the report on the application which had been the subject of a site visit on 18 December 2013. The Planning Officer outlined for Members the background to the application, the proposal and site details, together with the main issues for consideration. The Planning Officer advised that the application had been advertised by means of site and press notices as well as notification letters sent to eight neighbouring properties. No verbal or written representations had been made during the consultation period. However the Parish Council had raised concerns which were summarised by the Planning Officer.

The Planning Officer reminded Members that permission had been granted previously for the erection of two dwellings on the site. The current proposal replaced the two dwellings with four which would be two pairs of semi-detached dwellings. The proposed dwellings would occupy a similar footprint to the original proposal.

The Planning Officer presented photographs of the site.

The Highways Authority had raised no objection as visibility from the track onto the main road could be improved as the land was in the applicant's control.

The Planning Officer explained that in overall terms, the proposal would be acceptable in principle. The scale and design of the dwellings would be acceptable and they would not have an adverse impact on the character of the area or on the living conditions of the occupiers of any neighbouring dwellings. The proposed access and parking arrangements would be acceptable. In all aspects, the proposals were compliant with the objectives of the relevant adopted Local Plan policies and therefore the Planning Officer recommended authority to issue approval being granted to the Director of Economic Development subject to the completion of a Section 106 Agreement to deal with affordable housing contributions.

The Committee then gave consideration to the application.

A Member was pleased that the visibility splays were being improved but believed that the proposal should stick with the original application. Sewerage in the area was already at capacity and with the additional two homes there could be problems. The Member was concerned that run-off from the site would run onto the farm road. For those reasons the Member moved that the application be refused.

A Member seconded the motion to refuse the application. The previous application had been for two dwellings and now the applicant was seeking approval for four. The Member was also concerned about the amount of run-off. United Utilities had stated that they had no concerns providing that the surface water did not go into the foul sewer but the application did not state where the run-off was going. The Planning Officer explained that the matter could be dealt with as a condition. The track would be block paved and water would run off into the grass verges.

The Member remained concerned as the track naturally sloped from the road and water would run down the block paving. He believed that some other method should be installed to deal with the run-off other than onto the grass verge. The Planning Officer advised that the grass verge was wide and the water would drain from the verge into the ground.

A Member queried whether that method of drainage would affect the houses to be built opposite the site. The Director of Economic Development suggested that a condition could be imposed to ensure that United Utilities provided a technical condition to deal with the run-off appropriately.

A Member reminded the Committee that Condition 6 stated that no development should commence until a scheme for the provision of surface water drainage had been approved. The Planning Officer advised that there could be gulleys installed to take surface water off the road.

A Member was concerned about the visibility onto the road from the proposed increase in the number of dwellings and suggested that the improved visibility be supported. The Highways Engineer explained that there was a long planning history for the site. There was a water course to the north of the site but he was not sure of the levels. The Engineer was not aware of any flooding issues on the footpath but there was a lot of impervious ground. However that issue could be met through a condition.

With regard to the highway the shared access was for five dwellings. The difference in levels would be the main issue in respect of the access. The public footpath and road would be improved.

A Member acknowledged what had been stated in respect of drainage but was still concerned about how the run-off would be treated. The Director of Economic Development explained that if the matter could be dealt with through a condition that could be done.

A Member stated that it was not easy to buy houses in Castle Carrock and four smaller houses would have more affordability than two larger houses for young people wishing to stay in the village.

It was moved and seconded that the application be approved.

The Chairman reminded Members that it had also been moved and seconded that the application be refused.

Following a vote it was:

RESOLVED – That the application be approved subject to the satisfactory completion of a Section 106 Agreement and the conditions indicated within the Schedule of Decisions attached to these Minutes.

SUSPENSION OF STANDING ORDERS

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

(9) Erection of a single wind turbine 76.5m to tip height, 50m to hub height together with associated infrastructure and access track, land South West of Bankdale Park, Wreay, Carlisle (Application 13/0853)

The Planning Officer submitted the report on the application which had been the subject of a site visit on 18 December 2013. The Planning Officer outlined for Members the proposal and site details, together with the main issues for consideration. The Planning Officer advised that the application had been advertised by the display of a site notice and by means of notification letters sent to six neighbouring properties within a 900 metre radius of the application site. In response five objections and two letters of support had been received. Since preparation of the report a further three letters of support had been received from agricultural businesses. One of the letters was from Carrs Milling Industries which stated their support for the application in relation to the economic and environmental benefits as well as local energy conservation. The land owners had also written a letter in support of the application confirming that the proposal would address the rising energy

costs on their farm, help reduce their carbon footprint, help continued investment in the environment and the applicant's own personal community involvement.

The Joint Radio Company had also submitted formal comments confirming that they objected to the turbine in the current position and that the turbine should be sited at least 50 metres further south to ensure that there was no adverse impact upon existing radio links. The micro-siting condition in the recommendation currently before Members did not deal with that distance and therefore did not address the concerns raised by the Joint Radio Company. Current guidance on micro-siting indicated that micro-siting allowed a tolerance of between 30-50 metres. The location of the proposed turbine which would be acceptable to the Joint Radio Company would be at the limit of that guidance.

The feed-in tariff for renewable energy would change at the end of December, and the applicants had therefore requested that the application was still put before Members at the meeting. The applicants had submitted an amended block plan and photomontages showing the revised location. The Planning Officer presented the photomontages from several views around the site. The Planning Officer also presented a map that indicated the turbines within the surrounding area, including those that had previously been refused. The Planning Officer advised that the photomontages and plan had been submitted the day before the meeting and acknowledged that the revised location may raise issues with some consultees. However, the Airport, National Air Traffic Services, the Ministry of Defence and Environmental Health had reassessed the turbine at a distance of 50 metres away and had confirmed no objections to the proposal. Although the turbine would be positioned further away from residential properties, a full re-consultation had not taken place. On the basis that the statutory consultees for aviation had not raised any objections to the proposed location, Members were requested to consider the Officer's recommendation for approval with the revision to the approved documents in Condition 2 to include the new position and removal of the micro-siting condition.

The Committee then gave consideration to the application.

A Member had previously been advised that the application would be deferred. The Development Manager explained that the Planning Officer had highlighted all of the issues and due to objections from the Radio Company the turbine could not be sited as originally submitted. The revisions had been late but Officers had dealt with the issues quickly. The applicant was aware that deals in respect of feed-in tariffs may change and acknowledged that the turbine could not be constructed as originally intended. There had been no opportunity to consult Members but they had the opportunity to accept the proposal, refuse the proposal or defer consideration of the application to allow further consultation to be undertaken. The turbine was on the upper limit of micro-siting and aviation issues had been dealt with in a short period of time.

It was moved and seconded that consideration of the application be deferred to allow time for Members to consider the information.

A Member queried whether the Council could be criticised if they did not re-consult on the amended proposal. The Director of Economic Development confirmed that the Council could be criticised if there was no further consultation. The application had been brought before Members as the applicant had requested it but she suggested that consideration of the application should be deferred.

RESOLVED – That consideration of the application be deferred in order to allow re-consultation on revised plans which re-sited the turbine 50 metres further to the south to

overcome the objection by the Joint Radio Company and to await a further report on the application at a future meeting of the Committee.

(10) Residential development (Outline), land to rear of The Whins and adjacent to Sewage Works, Allenwood, Heads Nook (Application 13/0792)

The Planning Officer submitted the report on the application which had been the subject of a site visit on 18 December 2013. The Planning Officer outlined the background to the application, the proposal and site details together with the main issues for consideration. The Planning Officer advised that the application had been advertised by means of site and press notices as well as notification letters sent to twelve neighbouring properties. In response eleven letters of objection had been received which the Planning Officer summarised.

The Planning Officer presented photographs of the site and plans of the proposal. The original application proposed that United Utilities vehicles would use the new access road to the rear of The Whins for access to the sewage works. However it had since been agreed that they would continue to use the original access through the middle of the field.

The whole field had been submitted as a housing site in the Strategic Housing Land Availability Assessment (SHLAA) and was originally submitted for 20 houses. However it had been determined that there was no potential for 20 dwellings due to highway issues and capacity issues at the sewage works.

The Highways Authority had been consulted and had confirmed that the access was suitable for use by five dwellings and United Utilities had no objections to the current proposal.

The Planning Officer reminded Members that an application on the opposite side of the road for eight dwellings had been approved subject to the completion of a Section 106 Agreement.

The Planning Officer advised that in overall terms the proposal was acceptable in principle. The scale and design of the dwellings would be addressed through a reserved matters application. The indicative layout plan illustrated that five dwellings could be located on the application site without having an adverse impact on the living conditions of the occupiers of any neighbouring properties. The proposed access would be acceptable. In all aspects, the proposal was considered to be compliant with the objectives of the relevant national and local planning policies. For those reasons the 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 to deal with affordable housing contributions.

Mr Sharp (Objector) stated that he was speaking on behalf of residents of The Whins. He hoped that the site visit had clarified the issues raised in their submitted petitions. Mr Sharp reminded Members that development on the land had not been permitted for the past 30 years and had been rejected due to the insurmountable difficulties regarding access and sewage treatment capacities. Now those difficulties had been overcome by the skilful re-statement of the basic facts. The apparent danger presented by the proposed access had been overcome by the relaxation of the minimum spacing requirement in the SHLAA which had been reduced to 25 metres separation of the access road from The Whins. That appeared to depend on the site road being re-designated as a private access which ignored the heavy sewage treatment service traffic and farm vehicles

which would have to share the access. Compliant visibility splays were now achievable but residents suspected that that relied upon the 30 mph speed limit which continued to be ignored by much of the traffic as it approached the blind spot at the top of the hill.

United Utilities had concerns and did not favour building on land shared with the sewage works. There was also concerns over plant capacities as the plant had recently suffered overflow incidents. However, United Utilities shared residents' views that relying on soakaways to drain the proposed development was unlikely to be effective due to the clay in the soil and would therefore pose a flood risk to The Whins and properties downstream.

The proposed access road was very narrow and small cars would struggle to pass and the 0.6 metres service strips would be unsuitable for baby buggies. The road access presented a real hazard especially when plants were in full foliage. The building of a new access road would lead to the loss of some established trees and ancient hedges at the entrance to the site due to the limited space between them and the edge of the tarmac, even with the protection measures being taken during construction. The same would be true of trees and hedges on the boundary with The Whins which were in close proximity to the access road. The vibration from construction vehicles could endanger the foundations of recent Whins property extensions and wildlife.

The proposed dwellings would overlook The Whins bungalows and cars and vehicles using the access road would impinge on residents' privacy as the existing hedge was not continuous.

The proposed development had met with unanimous objection from those affected in contrast to the related proposed development of eight new properties at Croftlands and the two proposals should be viewed together.

Residents doubted the sustainability of the development on a green field site and were concerned that it may lead to further development of the site.

Mr Patterson (Objector) stated that the new access road would run within four metres of the rear of properties on The Whins subjecting them to noise, disturbance, dust and security risk. The bungalows had bathrooms and bedrooms at the rear and the passage of cars and people so close would affect residents' privacy and amenity. Field hedges were quite transparent and fencing may be required to preserve their privacy which would further degrade wildlife.

The site of the application had no frontage on the main road and relied on the use of a lane used by agricultural vehicles calling it a "shared access way". The Cumbria Highway Design manual defined a "private shared driveway" for up to five dwellings but no reference was made in the application to the other users, particularly farmers and United Utilities. The hedge would need regular trimming and Mr Patterson queried who would be responsible for that. Visibility to the south could be obstructed by another vehicle waiting at The Whins junction only 25 metres away. The junction facing north was less than the required stopping distance of 70 metres. It was illogical that a pedestrian footway was to be provided within the development but no such provision had been made for 30 metres Black Lonning link to the main road which was used by other walkers and horse riders with consequent dangers to users.

With regard to drainage, the new road would be 750 mm higher than field level at the east end to meet the Black Lonning's level and the build up would obstruct the natural drainage

of The Whins' gardens causing water logging. Soakaways would be useless as a means of disposing of surface water.

Mr Patterson believed that root protection areas must be enforced to protect The Whins' hedge, trees and wildlife. However he did not believe that the link with Black Lonning could be upgraded while maintaining root protection for the mature trees on the north side. Mr Patterson also believed that drawing 04A was incorrect as it continued to show a gate which had been removed for United Utilities access.

Mr Brown (Agent) reminded Members that the application was an outline application and did not include the level of detail normally associated with a full planning permission. He indicated that the drawing within the report was not the current site drawing.

Mr Brown acknowledged that the SHLAA stated highway access difficulties would prevent development on the site but following discussions with the Highways Authority an acceptable solution had been achieved. The comments on the SHLAA were based on the development of 20 dwellings on the site and not five as proposed in the application. The Highways Authority had found that the proposed visibility splays contained no impairment to sight in either direction. They had also advised that they had the power to cut back the hedges and verges if needed. Mr Brown hoped that Members had seen, on the site visit, that visibility was good.

With regard to potential accidents, the Cumbria Roads Policing Analysis confirmed that only two collisions had been recorded in the past five years, both of which were minor and neither related to the C1026 road.

Access to the site was a proposed shared access and a change of material at the entrance to the site would differentiate the new road category and the Highways Authority had confirmed that a no dig option could be used for the road surface if necessary. A shared access provided a combined access for both pedestrians and vehicles to the lonning and access road. Mr Brown reminded Members that United Utilities were responsible for any damage caused by their vehicles to the current lonning and access road.

With regard to the trees it would be assessed that the trees along the northwest boundary were of little individual merit and that for approximately a quarter of the boundary length the trees had been heavily pollarded.

The detailed OS maps indicated that the application site followed the same contours as The Whins and sloped from The Whins development down towards the southwest corner of the existing field. The layout of the site had been designed to maintain privacy and preserve the amenity space of both The Whins and the application development by maintaining a clear separation and orientating the proposed houses away from The Whins. The ribbon layout had been adopted to integrate both developments and not create a stand alone scheme. Security on The Whins would be enhanced due to the constant presence of the properties.

From discussions with the applicant and United Utilities Mr Brown understood that traffic to and from the treatment plant was generally limited to once every other day depending upon the weather. It had been initially considered that since traffic to the treatment works was minimal moving the treatment plant service road adjacent to the boundary of The Whins would provide further separation between the two developments. That would have the advantage of reuniting both halves of the existing field to make it more viable economically agriculturally. In response to comments from residents the proposed road

had been removed from the application and the access to the treatment plant remained as existing. In redesigning the layout to accommodate that, part of the released land had been taken up with indented parking bays and a footpath. The remaining land would be covered by a landscape condition. The existing hedge would be maintained and enhanced with native species and no works were proposed which would adversely affect that hedge. Mr Brown also indicated that a new hedge could be included to the rear boundary of the application site which could be covered by a condition. In the past several residents had made requests to purchase land to extend their gardens. It was not intended to move the current proposed building line closer to The Whins therefore there was scope for negotiation to do that. However that was not part of the application.

With reference to the application drawings, the site plan had been produced from the current OS maps which was the industry standard. Mr Brown noted that of the three properties in The Whins applying for planning permission, all applications included the same map and none showed any rear extensions. Mr Brown informed Members of those properties that had extensions to their properties. With regard to the gate which had been left on a drawing in error, Mr Brown believed that it referred to a note indicating an existing gate in the rear fence of number 2 The Whins.

Mr Brown stated that all of the objections raised related to both the current application and another on Croftlands. However, only one application would be decided at Planning Committee. Whilst it was hoped that the objections in relation to the current application had been addressed the Committee should consider why objections had been targeted to only the current application. Mr Brown read some passages from The Whins residents' objection letters as well as letters of objection in response to the application for the 1985 development of Rose Paddock on the south east boundary of The Whins.

In conclusion, Mr Brown stated that he understood the residents' objections but the proposal had taken into account the relationship between the existing and the proposed dwellings and recognised the privacy requirements of both developments. It had been designed to satisfy both local and national planning policy and satisfied the County Highways requirements and had raised no objection from United Utilities, Local Environment Protection or Local Environmental Waste Services.

The Committee then gave consideration to the application.

A Member was concerned about the narrow road which was used by agricultural vehicles.

A Member could not understand why the application had been recommended for approval when the site was not recognised for housing or included in the Local Plan. The village was not sustainable and had only a village hall. The Member hoped that the access road would be upgraded as it needed to accommodate cars going in and out of the site as well as pedestrians. The Member moved that the application be refused.

The Planning Officer explained that the whole field had been put forward under the SHLAA and reminded Members that the Highways Authority had no objection to the proposed five dwellings. United Utilities had raised no objection subject to the imposition of a condition to deal with surface water. The Planning Officer advised that in respect of sustainability the village was a settlement close to Warwick Bridge and the development would help to sustain that village.

The Highways Engineer indicated the proposed junction on a slide of the site and the visibility splays on either side of the access. The Design Guide was dependent upon

scales of development and the road was not classified as a main distributor road. The shared surface road would be suitable for up to 20 dwellings and would be adopted. There would be limited access to the shared driveways and the application was for five dwellings only. There was adequate access to the farm field and the sewage works. The two roads would continue to have separate junctions. The Highways Authority had raised no objection to the stopping sight distances. The other application which had been approved in 1990 had a shared access. Visibility for the current application extended 43 metres with 70 metres being half way across the carriageway. The Engineer believed that if the application was refused on those grounds it would not stand up to appeal.

A Member queried who would be responsible for the trees on the land between The Whins and the new development as it was not clear who owned that land. He advised that the Parish Council would be happy if the trees were removed to provide better visibility.

A Member was not clear on the landscaping at the rear of the proposed properties and requested that a condition be imposed for the planting of trees and hedging. That would create a natural barrier between the development and the road to the sewage works and reduce views of the development from the road. Although the site was not included in the SHLAA the Member was concerned that the development could be extended at a later date and queried whether a condition could be imposed to prevent that happening. The Member also queried whether a condition could be imposed to limit the development to five dwellings.

The Planning Officer advised that Conditions 5 and 6 dealt with boundary treatment and landscaping. He confirmed that only five properties would be allowed to use the access road so that would limit the number of properties on the site. As the Highways Engineer explained if an application was submitted to extend the site a condition could be imposed that would limit the development to five dwellings.

A Member moved approval of the application as he accepted that there would always be highway issues in rural areas. The motion to approve the application was seconded.

It was moved and seconded that the application be refused.

Following a vote it was:

RESOLVED – That the application be granted subject to the satisfactory completion of a Section 106 Agreement and the conditions indicated within the Schedule of Decisions attached to these Minutes.

(11) Erection of three storey building with commercial unit to ground floor, apart-hotel accommodation to first and second floor with ancillary car parking together with contract/public car parking to rear, former Lonsdale Cinema, Warwick Road, Carlisle, CA1 1DN (Application 13/0869)

The Planning Officer submitted the application and outlined the background to the application, the proposal and site details, together with the main issues for consideration. The Planning Officer advised that the application had been advertised by means of a site notice, a press notice and the direct notification to the occupiers of 25 of the neighbouring properties. During the consultation period no representations had been received.

The Planning Officer presented slides showing the plans of the site. Since the original submission revised plans had been received. The Planning Officer presented slides

showing the revised elevations. The Council's Heritage Officer was happy with the revisions and the Highways Authority had raised no objections. The Conservation Area Advisory Committee had stated that they had no objections to the revised plans but requested further details of the revisions. The Planning Officer further presented photographs that indicated the current condition of the building.

In conclusion the Planning Officer advised that in overall terms the existing building on the site detracted from the character and appearance of the streetscene and particularly, the City Centre Conservation Area. The redevelopment of the site would positively contribute to the area. The scheme would not impact on highway safety or nearby listed buildings. Subject to revised details that incorporated additional design enhancements, the application would be compliant with the objectives of the relevant Local Plan policies and therefore recommended that authority to issue approval be granted to the Director of Economic Development on completion of satisfactory details.

The Committee then gave consideration to the application.

A Member stated that he had a lot of memories of the Lonsdale Cinema and was sad that the building was in its current condition. He believed that the Council had to take responsibility for the demolition of the building as it was unable to develop the building due to financial constraints. The Member hoped that lessons would be learned and that empty buildings would not be allowed to fall into disrepair.

A Member queried how the application could be considered when the following application related to the demolition of the building. The Development Manager explained that whenever an application was received for demolition of a building in a Conservation Area the Council had to ensure a replacement had been approved. If the application was approved it would ensure development on the site.

A Member stated that the present building was an eyesore on the approach to the City. The former Post Office was currently being renovated and the current application was linked to that development.

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

RESOLVED – That authority to issue approval be granted to the Director of Economic Development subject to the conditions indicated within the Schedule of Decisions attached to these Minutes.

(12) Demolition of former cinema building and change of use of site to car park for use by "The Halston", contract and public, former Lonsdale Cinema, Warwick Road, Carlisle, CA1 1DN (Application 13/0867)

The Planning Officer submitted the report on the application and outlined the background to the application, the proposal and site details, together with the main issues for consideration. The Planning Officer advised that the application had been advertised by means of a site notice, a press notice and direct notification to the occupiers of 25 of the neighbouring properties. In response one letter of objection had been received and the Planning Officer outlined the issues raised therein.

The Planning Officer explained that the application was to enable the future development of the site.

The Planning Officer advised that in overall terms the existing building on the site detracted from the character and appearance of the streetscene and particularly, the City Centre Conservation Area. The demolition and redevelopment of the site would positively contribute to the area. The scheme would not impact on highway safety or nearby listed buildings. In all aspects the proposal would be compliant with the objectives of the relevant Local Plan policies. The Planning Officer recommended that the application was recommended for approval subject to conditions indicated within the report. It was also recommended that two further conditions be imposed requiring the submission of a landscaping scheme and details of the wall construction to be garden wall bond of which a sample should be approved by the Council.

RESOLVED – That the application be approved subject to the conditions indicated within the Schedule of Decision attached to these Minutes.

(13) Demolition of Rose Cottage; erection of 4no dwellings, Rose Cottage, Carleton, Carlisle, CA1 3DP (Application 13/0710)

The Planning Officer submitted the report on the application and outlined the proposal and site details, together with the main issues for consideration. The application had been advertised by the direct notification of the occupiers of four neighbouring properties and the posting of a site notice. No verbal or written representations had been made during the consultation period.

The Planning Officer presented photographs of the site from various points and the relationship of the proposed dwelling with the two-storey terraced properties.

The Planning Officer advised that the principle of development of the site was acceptable under the provisions of the National Planning Policy Framework. The scale and design of the dwellings were acceptable and would not have a significant detrimental impact on the character of the area or the living conditions of the occupiers of neighbouring properties. Adequate parking and access provision could be achieved whilst the method of disposal for foul and surface water was acceptable subject to the imposition of a condition. In overall terms the proposal was considered to be compliant under the provisions of the National Planning Policy Framework and the objectives of the relevant Local Plan policies. Accordingly, the application was recommended for approval.

RESOLVED – That the application be approved subject to the conditions indicated within the Schedule of Decision attached to these Minutes.

(14) Erection of 7no dwellings, including 2 affordable units and the change of use of agricultural land to domestic garden to serve the property known as “Hallcroft” (Outline application), land to the rear of Hallcroft, Monkhill, Carlisle, CA5 6DB (Application 13/0728)

The Planning Officer submitted the report on the application and outlined the background to the application, the proposal and site details, together with the main issues for consideration. The application had been advertised by means of a site notice and direct notification to the occupiers of fourteen of the neighbouring properties. In response fifteen letters of objection had been received and the Planning Officer summarised the issues raised therein.

The Planning Officer presented slides that indicated the plans of the scheme. The Planning Officer explained that the scheme included the provision of an access and maintenance area for the existing two septic tanks on the site. It was recommended that Condition 21 was amended to require the area to be fenced off prior to the commencement of development to prohibit storage of materials, etc on the land.

The Planning Officer advised that in overall terms, the principle of development on the site was acceptable under the provisions of the National Planning Policy Framework. The proposal would not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The siting, scale and design of the proposal would be subject to subsequent approval. The development would not create a precedent for further applications in the area which, in any case, would have to be considered on their own merits. In all aspects the proposal was considered to be compliant with the objectives of the relevant Local Plan policies.

Mr Rigg (Objector) presented photographs of the site that showed the narrow road and access. Bungalows had been built in 2004 with permission granted for a septic tank which was piped across the field along with cold water pipes. Those pipes would be damaged during construction of the proposed dwellings. Mr Rigg stated that lorries often parked on the road which caused an obstruction. Permission had been granted to build a bungalow on the site in 1974 and Mr Rigg purchased that property in 1977. When the bungalows were built in 2004 Mr Rigg lost access to the septic tank. Following a court decision a new access was constructed. The current proposal was to build seven properties on top of the septic tank and cold water pipes. Mr Rigg did not think it was fair that he would have to go back to court to secure access to the septic tank if the Council approved the application.

Ms Crippen (Objector) reminded Members that permission for seven properties had been passed in the last month and that would increase the size of the village by 40%. Other villages were not being developed as much and that application was for development on a greenfield site while the other applications had been on brownfield sites. Whilst Ms Crippen acknowledged that the proposal included provision for affordable housing she explained that even with the reduction in the cost of the properties they would still not be low cost and young people would be able to buy houses in other areas of Carlisle and get more for their money. Beaumont Parish Council had objected to the application on four points including architecture, the impact on children in the village, the impact on residents of Monkhill and highway issues. Ms Crippen was also concerned about the issues regarding the septic tank and the outfall pipe. If the application was approved it would result in a civil matter for the existing residents.

Mr Jackson (Objector) believed that the land was agricultural land and not part of the Council's Strategic Plan. Permission had been granted in November 2013 for six houses in the adjacent field which would result in a 40% increase in the size of the village. The proposed dwellings would not be low cost and the site was not an infill site. The houses built previously on the site in 2004 were to replace a barn. Consideration of an application to develop the site had been deferred in 2006 as the proposal was to develop land on a site of potentially high archaeological interest as it lay across Hadrian's Wall and a Roman Watch Tower and fort. The application was also deferred due to the impact on the village and the scale of the proposal. Those issues still applied. In 1995 English Heritage photographed the site which indicated the site of the Watch Tower. The field was also linked to others in the area which were also of archaeological interest.

Mr Greig (Agent) stated that the report was clear in its conclusions. The report explained that the Council's housing policies were not in accordance with the Government's policies

identified within the National Planning Policy Framework. In that context Members were required to consider the application against the objectives of the National Planning Policy Framework which advocated a presumption in favour of sustainable development and to boost significantly the supply of housing. The National Planning Policy Framework also stated that to promote sustainable development in rural areas, housing should be located where it would enhance or maintain the vitality of rural communities. With that in mind Mr Greig explained that Monkhill was located one mile from Burgh by Sands, 0.5 miles from Beaumont and 0.6 miles from Kirkandrews on Eden and the development would support services in all of those villages. The proposal could also assist in supporting Burgh by Sands Primary School which was understood to be operating below its available capacity.

The visual impact of the scheme would be minimal as the site was contained on three sides. The indicative site layout plan illustrated that the standard minimum separation distances between dwellings could easily be achieved. The scheme also included the provision of two affordable dwellings which exceeded the minimum requirement identified by adopted Local Plan policy and would contribute to the recognised shortfall of affordable housing in the rural area.

With regard to the septic tanks, Mr Greig explained that the tanks serving two of the neighbouring dwellings were situated on the application site. The indicative site layout plan had been amended to provide a dedicated access route to both of those septic tanks. The Planning Officer regarded that as acceptable and had recommended a planning condition to ensure that the access strip remained available in perpetuity.

Whilst objections had been raised, nine letters of support had also been received. Beaumont Parish Council had commented that the scheme was a good scheme that complied with the planning requirements and that support was needed for Burgh by Sands School which had spare capacity for more pupils. Although some residents had objected to the proposal it was considered that there was no justified reason to refuse planning permission. Any alleged harm would have to be weighed against the scheme's clear compliance with the National Planning Policy Framework and the positive contribution that the scheme made through the provision of affordable housing. In conclusion Mr Greig stated that it was considered that the benefits of the scheme were significant and that the application should be approved.

The Committee then gave consideration to the application.

A Member had been reassured about the situation regarding the septic tanks and that the access corridor would be unaffected by the development. The Member understood there were also concerns about the outflow pipes but was again reassured that notice had been taken and proposals submitted. The Planning Officer advised that the issues regarding the septic tank had been addressed. With regard to the outflow pipe that issue would depend upon agreement with the owner of the land but there were restrictions about building over such pipes. The Planning Officer reminded Members that the application was indicative only at the current stage.

The Member queried what the agricultural land had been graded. The Planning Officer advised that the land was not top quality agricultural land and was predominantly used for grazing.

A Member had been concerned about the issues regarding the septic tank but had been reassured that the problems had been noted and addressed. The Member acknowledged

that English Heritage had stated that there were no significant finds on the site but believed that he was keen to protect historic remains.

The Planning Officer advised that the wording of the condition would ensure the retention of the access to the septic tanks. The Planning Officer presented the slide that indicated the access which would be retained. The plan also indicated a gate to the access which had been relocated further into the field. However that would be an issue between the parties concerned and was not a matter for the Development Control Committee.

Following a vote it was:

RESOLVED – That authority to issue approval of the application be granted to the Director of Economic Development subject to the satisfactory completion of a Section 106 Agreement and relevant conditions indicated within the Schedule of Decisions attached to these Minutes.

Councillor Mrs Parsons wished it minuted that she had abstained from voting on the application.

(15) Extension to existing workshop to provide and additional undercover timber drying storage and biomass boiler heating system, Rose Bank Saw Mill, Dalston, Carlisle, CA5 7DA (Application 13/0576)

The Planning Officer submitted the report on the application and outlined the proposal and site details, together with the main issues for consideration. The application had been advertised by means of site and press notices as well as notification letters sent to seven neighbouring properties. No verbal or written representations had been made during the consultation period. Since publication of the report a response had been received from Dalston Parish Council in support of the application.

The Planning Officer presented photographs of the site and plans. The Planning Officer explained that the proposed workshop would be sited on an area of Ancient Woodland that had already been cleared and was currently used for the storage of timber.

In response to the consultation the Council's Tree Officer had raised objections to the application and the Forestry Commission considered that the application site should be left to development as it was beyond repair and they were mindful of the woodland based business. A new fence would delineate the boundary of the site to ensure that there would be no further encroachment into the woodland. The Planning Officer explained that there was the need to balance the loss of the Ancient Woodland against the benefits and needs of the proposal.

In conclusion, the Planning Officer advised that the proposal would be acceptable in principle and the scale and design of the extension would be acceptable. Whilst the building would be sited in an area of Ancient Woodland, which had been cleared, the economic and environmental benefits of the proposal were considered to outweigh the loss of the Ancient Woodland. Conditions were suggested to be added to the permission which would protect the remaining areas of Ancient Woodland from development and would lead to the enhancement of the retained woodland.

The Committee then gave consideration to the application.

A Member stated that he had sympathy with the applicant and that a lot of work had been undertaken by the applicants who still ran a business from the site.

The Director of Governance advised Members that they should be cautious of considering issues to be raised as part of the following agenda item as that could be seen as pre-determination of the application.

It was moved and second that the application be approved.

RESOLVED – That the application be approved subject to the conditions indicated within the Schedule of Decisions attached to these Minutes.

DC.108/13 CONFIRMATION OF TREE PRESERVATION ORDER 267

The Landscape Architect/Tree Officer presented report ED.45/13 that considered the confirmation of Tree Preservation Order 267, Rose Wood, Rose Bank, Dalston and objections to the making of the Tree Preservation Order.

The Landscape Architect/Tree Officer explained that Tree Preservation Order 267 was made to protect an area of designated Ancient Woodland at Rose Bank Sawmill following the submission of planning application 13/0576, which had been approved by Members as part of the previous agenda item. The application brought to the Officer's attention the loss of Ancient Woodland from the site without the requisite Environmental Impact Assessment or consent of the Forestry Commission, and the un-consented change of use from forestry to timber storage and vehicle parking. Objections to the making of the Tree Preservation Order had been received by the City Council and the Landscape Architect/Tree Officer summarised the issues raised therein.

The Landscape Architect/Tree Officer presented photographs showing the site and the substantial deforestation that had taken place. The photographs showed the approximate extent of the Ancient Woodland on the site in 1992 and today, although the Landscape Architect/Tree Officer explained that the photographs also included the area deforested to make way for the extension. It was to prevent further loss of the Ancient Woodland on the saw mill site that the Tree Preservation Order was made.

Several letters had been received from Mrs Jefferson representing the saw mill. The letters of objection and the Landscape Architect/Tree Officer's responses were included in the report. However, the Landscape Architect/Tree Officer's response to Mrs Jefferson's last letter was not included as the letter had been received too late to allow the response to be included. Whilst the letter from Mrs Jefferson generally repeated the previous concerns it did raise a further point which the Landscape Architect/Tree Officer would refer to later in his submission.

The objections to the Order were on the grounds that it was not appropriate to make the Order because it was open to interpretation whether or not a Tree Preservation Order was necessary. The Landscape Architect/Tree Officer reminded Members that it was a matter of judgement if a Tree Preservation Order needed to be made or not and that judgement was for the Committee to make. However, the Town and Country Planning Act placed a statutory duty on local planning authorities to make provision for the protection of trees and woodlands where appropriate when it considered planning application. With regard to the current application, due to the gradual deforestation of Ancient Woodland, it was considered appropriate to prevent further loss of the Ancient Woodland. Since 1992 approximately 6,000m² of Ancient Woodland had been lost.

The balance between the environment and the development was one that had to be struck by the relevant authorities, those being the Forestry Commission and the local planning authority in respect of the current application. In striking that balance and in order to deforest Ancient Woodland, the Landscape Architect/Tree Officer explained that an application with a supporting Environmental Impact Assessment must be made to the Forestry Commission who would decide if it was acceptable, and to change the planning use of the land, a planning application needed to be submitted to the Planning Authority. Only then could the balance be considered and a decision made. Over the majority of the site no applications or Environmental Impact Assessments had been made either for deforestation or planning consent, and so the relevant authorities had never had the opportunity to strike that balance.

The Landscape Architect/Tree Officer advised that the Ancient Woodland was not being removed or in danger of being removed and no further tree loss was required to allow for the proposed development. As indicated by the photographs there had been a significant deforestation of the Ancient Woodland on the site and whilst the removal of no further trees may be envisaged for the proposed development that was because deforestation had occurred prior to submission of the application. Trees and woodlands that were to be protected by Tree Preservation Orders should usually be visible from a public place. It had been claimed that the woodland was not visible to the public but the Landscape Architect/Tree Officer explained that a public footpath ran along the woodland edge and the woodland was clearly visible from it.

The Landscape Architect/Tree Officer reminded Members that in order to deforest Ancient Woodland there was a process to go through. It had been claimed that the tree removal was in accordance with the Forestry Commission's guidelines and therefore good practice and as such no Tree Preservation Order would be needed. Whilst there was a plethora of forestry legislation and regulations the Environmental Impact Assessment (Forestry) Regulations 1999 set out the process for deforestation. Those regulations had not been followed and the unconsented deforestation could not be considered good forestry practice.

Concerns had been expressed about how the woodland would be managed and who would be the responsible authority. Concerns were raised that repeat applications for work would be required that would require pre-application site visits and it was unclear who was responsible for ensuring good management of the woodland. The Landscape Architect/Tree Officer advised that whilst the Tree Preservation Order would require applications, they need not be repeat applications as consent could be given for repeat works over a period of years. Pre-application site visits were welcome. The Forestry Commission would be responsible for managing the forestry legislation and the City Council for the Tree Preservation Order and the Council would continue to liaise to ensure that everything ran smoothly.

It had further been claimed that there could be confusion over what a tree was and which tree was protected. The Tree Preservation Order schedule set out which trees were protected and in the case of Tree Preservation Order 267 all trees of all species were stated so no confusion could arise as to whether or not a particular tree or species of tree was protected. The Courts had determined that a tree was anything that would ordinarily be called a tree, such as oak, willow, birch and that included trees of all sizes, even saplings. The definition did not include shrubs such as elderberry or privet.

It had been suggested that the Tree Preservation Order was erroneous as the Forestry Commission mapping was incorrect. Confusion had arisen over whether or not the saw mill site was subject to a woodland grant scheme which it appeared to be. However, it transpired that when the Church Commissioners, who used to own the saw mill and sold it to the Bowe family, nobody had notified the Forestry Commission. The Church Commissioners subsequently applied for a woodland grant to manage their remaining woodland, and the Forestry Commission erroneously mapped the saw mill site as included in the scheme. Being subject to such a scheme would indicate that the woodland was under good management and a Tree Preservation Order was not necessary, or that the Tree Preservation Order was invalid because the wrong information had been used to make it. However, in her letter dated 17 November 2013, Mrs Jefferson stated that no grant scheme had ever been applied for or paid to the saw mill. That was confirmed by the Forestry Commission. That the Forestry Commission's mapping was incorrect had no bearing on the reasons for making the Tree Preservation Order to its validity. The City Council could use their own mapping system and the reasons why the Order was considered necessary were set out in the Statement of Reasons.

In the final letter of objection, it was said that the conditions attached to the planning consent would ensure good woodland management and therefore the Tree Preservation Order was not necessary. The Landscape Architect/Tree Officer advised that planning conditions were not an appropriate means of securing the long term protection of the woodland. Circular 11/95: Use of Conditions in Planning Permission stated that the long term protection of trees should be secured by Tree Preservation Orders rather than by condition.

The Landscape Architect/Tree Officer advised that Members had the options to either confirm the Tree Preservation Order as it stood, decline to confirm the Tree Preservation Order or to confirm the Tree Preservation Order with modifications. That would make the Order permanent in relation to some of the woodland specified in the Order, but would exclude other woodland from the Order.

If Members were minded to add woodland to the Tree Preservation Order the Landscape Architect/Tree Officer explained that the Order should be confirmed. A variation order would then be made to add the new woodland. A further 28 days statutory consultation period with those affected would be undertaken on the addition of the woodland. If objections to the variation order were made, a report would be drafted and brought before the Committee to enable Members to duly consider the objections and decide whether or not to confirm the variation. Therefore to ensure the long term protection of the remaining ancient woodland it was recommended that Tree Preservation Order 267 be confirmed without modifications.

A Member, as Ward Councillor, moved that a site visit be undertaken. That motion was seconded.

RESOLVED: That consideration of Tree Preservation Order 267 be deferred to allow a site visit to be undertaken and await a further report to a future meeting of the Committee.

DC.109/13 TRANSFER OF PROVISION OF AFFORDABLE HOUSING FROM PETER LANE TO WESTMORLAND STREET, CARLISLE

The Planning Officer presented Report ED.39/13 that set out the consideration of an application to transfer affordable housing contribution from the housing development at Peter Lane/Dalston Road to the former penguin Factory, Westmorland Street, Carlisle.

The Planning Officer reminded Members that planning permission was granted on 29 June 2012 for the erection of 37 dwellings, including six affordable houses, together with internal access roads, car parking, garages and associated landscaping on the Former Penguin Factory, Westmorland Street, Carlisle. The approval was subject to a legal agreement to secure the provision of the six affordable housing units in perpetuity. A short time thereafter on 9 October 2012, outline planning consent was granted for residential development on land at Peter lane, Bounded by Dalston Road, Cummersdale, Carlisle. That approval was also subject to a Section 106 Agreement to include the provision on 30% of the dwellings to be made affordable in perpetuity.

The Planning Officer explained that both of the application sites were owned by Persimmon Homes (Lancashire) Ltd. The applicant had requested that the affordable housing requirement for the housing site at Peter Lane/Dalston Road was transferred off-site and provided on the Westmorland Street site. In effect, no affordable housing would be provided at Peter Lane with the entire development at Westmorland Street being affordable units. The applicant had stated that difficulties had been experienced in getting Registered Providers to contract on the pockets of affordable housing within larger housing developments. In essence, that meant that the applicants were reluctant to accept ownership and responsibility for the properties once they had been built. That was primarily down to the availability of grants that were available together with match funding that inhibited the expansion of Registered Providers' stock.

In conclusion, the Planning Officer explained that the proposal was slightly unusual insofar as the Council would ordinarily require the provision of affordable housing on the site at Peter Lane. The request was to transfer the affordable units to allow both sites to progress and allow 37 affordable units in the same vicinity. That would also allow the provision of social cohesion and mixed and balanced communities throughout the District through the integration of affordable housing provision within open market housing development. A mix of affordable housing on the Westmorland Street site would require agreement between the developer and the Housing Officer. To an extent, acceptable of that proposal would weaken that aspiration. However, that had to be balanced against the potential that the provision of affordable housing between the two sites may be jeopardised, which would undermine the Council's housing strategy.

Therefore, the argument submitted by the applicant was reasonable and the Deed of Variations to both Section 106 Agreements was required to secure the provision of affordable housing.

RESOLVED: That the principle of the transfer of the affordable housing contribution from the housing development at Peter Lane/Dalston Road to the former Penguin Factory, Westmorland Street, Carlisle be approved and Authority to Issue the respective Deed of Variation be granted to the Director of Economic Development.

DC.110/13 UNAUTHORISED WORKS AT SKELTON HOUSE, WETHERAL

Having declared an interest Councillor Mrs Patrick left her seat on the Committee and took no part in the consideration of the Agenda item.

The Planning Officer presented Report ED.41/13 that referred to the development without the benefit of planning permission on land at Skelton House, Wetheral, Carlisle and outlined the possible enforcement actions available to the Council based on the potential

decision options of the planning application currently before Members under reference 13/0521.

The Planning Officer reminded Members that planning permission was granted on 24 May 2012 for the demolition of the house, adjoining barn and outbuildings, redevelopment of the site for the erection of single block comprising fifteen two-bed apartments with dedicated access, off-street parking and private amenity spaces. That approval was subject to a number of pre-commencement conditions and a legal agreements to secure the provision of the three affordable units in perpetuity, a financial contribution to secure an amendment to the Traffic Regulation Order to provide clearway bus markings, a financial contribution to be spent by the Parish Council towards the provision of a management company to oversee the maintenance of the building and the collection of refuse.

Work had commenced on the site which was not in accordance with permission of application 10/1066. Whilst some of the works may be necessary in relation to the initial permission some had not been undertaken in accordance with the approved plans. In addition conditions remained in place on the permission which should have been discharged.

Before the work commenced on site, a further planning application was submitted to change the layout of the approved scheme as detailed in the report. It was intended that the application would start the process to regularise the development with an approved scheme. Determination of that application was therefore fundamental to the consideration of the unauthorised works and the action the Council may take to ensure compliance with planning requirements.

The application for variation of the planning condition was considered earlier in the meeting when it was decided that the application be refused. The Planning Officer advised that the applicant could either restore the site to its original condition or pursue the previous application.

A Member queried whether Members could compel the applicant to move back to the original application. The Development Manager advised that as the application had been refused the applicant would have to pursue the original applications and stop work on anything in relation to the application which had been refused earlier in the meeting.

The Member moved approval of the Officer's recommendation.

A Member requested clarification on what was being proposed. She believed that the best option was to place a temporary stop notice on the development. The Member was concerned that there could be further difficulties if the applicant appealed against refusal of the application that could lead to the situation being overturned and a subsequent cost to the Council. The Director of Economic Development advised that a temporary stop notice was part of the process of enforcement. The applicant could then appeal against the decision to refuse the application.

A Member explained that Members who attended a previous planning school had been advised that a stop notice should be used where possible. The Member moved approval of the Officer's recommendation that the applicant should revert back to the original application and its conditions.

A Member believed that a stop notice was required and reminded Members that the applicant had been granted permission for the previous application. The work already

undertaken had not been agreed and was unlawful. Therefore enforcement action should be taken and the development moved back to the previous, approved, application, 10/1066.

A Member stated that if the applicant was required to revert back to application 10/1066 he could not appeal as that application had already been approved.

The Development Manager advised that the aim was to compel the applicant to stop work on the current application and default to the original. The applicant could appeal to the Planning Inspector and that would impact on any enforcement action. The Development Manager believed that pursuing enforcement was the right course of action.

The Director of Economic Development confirmed that the applicant could continue to develop the site during any appeal process but would do so at his own risk.

A Member stated that, as the applicant had approval to develop the site but was not doing so in accordance with the conditions set out, if a stop notice was imposed, evidence could be gathered regarding how much work had been undertaken and therefore any appeal would not stack up.

A Member believed that a temporary stop notice should be served and that work should stop until such time as any appeal was held in respect of refusal of the application. However it was not appropriate for the Committee to try to impose something that was not easily enforceable but a stop notice was the best opportunity to restore matters.

The Director of Governance advised that a resolution to pursue enforcement through a stop notice would be appropriate as there were different options open to the Council. One of those was the stop notice would have to be attached to an enforcement notice. However a stop notice would incur a cost to the Council and it would be necessary to carry out a cost/benefit analysis before one was issued. As clarification the Director explained that a full stop has the right of appeal. The Director explained that a stop notice would be enforceable for 28 days.

A Member believed that the message had to be made clear that people could not carry out developments that were different to those which had been approved.

The Director of Economic Development suggested that the best course of action may be for Members to authorise the Director to undertake the most appropriate course of action following refusal of the application.

RESOLVED: That the Director of Economic Development be authorised to undertake the most appropriate course of action following refusal of the application

(The meeting ended at 3.40pm)