

Development Control Committee

Date: Friday, 20 January 2023

Time: 10:00

Venue: Cathedral Room

Present: Councillor Mrs Marilyn Bowman, Councillor Nigel Christian, Councillor John Collier, Councillor Mrs Christine Finlayson, Councillor Mrs Anne Glendinning, Councillor Keith Meller, Councillor David Morton, Councillor Christopher Southward, Councillor Raymond Tinnion, Councillor Christopher Wills

Officers: Corporate Director of Governance and Regulatory Services
Corporate Director of Economic Development
Head of Development Management
Principal Planning Officer
Planning Officer (x3)
Mr Barnard, Cumbria County Council

DC.004/23 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Ruth Alcroft and Councillor Jeffrey Bomford.

DC.005/23 DECLARATIONS OF INTEREST

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

- Councillor Collier declared an interest in respect of application 22/0820 – Land at field 3486, Monkhill Road, Moorhouse, Carlisle. The interest related to his previous submission of an objection to the application.
- Councillor Morton declared an interest in respect of application 22/0820 – Land at field 3486, Monkhill Road, Moorhouse, Carlisle. The interest related to objectors being known to him.

DC.006/23 PUBLIC AND PRESS

RESOLVED - It was agreed that the items in Part A be dealt with in public and the items in private be dealt with in Part B.

DC.007/23 MINUTES OF PREVIOUS MEETINGS

RESOLVED - 1) That the Chair sign the minutes of the meetings held on 28 October, 7 December (site visits) and 9 December 2022.

2) To approve the minutes of the meeting held on 18 January 2023 (site visits).

DC.008/23 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Corporate Director of Governance and Regulatory Services set out the process for those Members of the public who had registered a Right to Speak at the Committee.

DC.009/23 CONTROL OF DEVELOPMENT AND ADVERTISING

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

1. Application - 21/0351 - Land At Morton Bounded By Wigton Road, Peter Lane And Dalston Road, Carlisle, Cumbria

Proposal: Erection of 722no. dwellings & public open space (Reserved Matters Application pursuant to Outline Approval 09/0413)

The Principal Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 18 January 2023. Slides were displayed on screen showing: location plan; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer recommended:

- 1) That Authority to Issue be given to the Corporate Director of Economic Development to issue approval subject to the completion of a Section 106 Agreement to secure:
 - a) a financial contribution of £85,000 towards the provision of a children's play area on site;
 - b) a financial contribution of £35,000 towards the provision of a fitness trail on site;
 - c) a financial contribution of £150,000 towards the provision of a multi-use games area (MUGA) on site;
 - d) a financial contribution of £446,787 towards the provision of grass and/or artificial sports pitches and associated changing facilities which are accessible to residents of the development;over and above the existing S106 requirements as outlined in paragraph 3.9 of the report; and, ensure the provision of a satisfactory nutrient neutral development to mitigate the impact of phosphates pollution from this development on the River Eden SAC.
- 2) That if the S106 not be completed or a satisfactory nutrient neutrality scheme not be provided, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

Mr Eales (Objector on his own behalf and on behalf of Mr Veale and Ms Wiggins) objected to the application in the following terms: Condition 3 of Outline Approval (09/0413) required all Reserved Matters be based on the design and layout principles set out within the approved Parameter Plans (Plan 3 related to residential density); Parameter Plan 3 created two housing density areas within the site – Low To Medium Density (20 – 45 dwellings/ha) and Higher Density Areas (of over 45 dwellings); approved application 16/0200 determined the phasing plan and densities of the various areas; the current application was supported by plans illustrating densities within the site wherein some areas had been combined thus masking significant variations with the agreed levels, and deviation from the densities agreed in Parameter Plan 3; the proposals in relation to the scale, design and materials in the portion of the site adjacent to Cloverfield were not in accordance with Local Plan policy SP 6 – securing good design, principle 1, as the new development would not be in keeping with the existing dwellings; the access proposals in the current application were not in line with Parameter Plan 1 (Approval 09/0413) as the number of access points had been reduced from 5 to 3, and locations had been amended, the potential impact on the residents of Grange Drive which would be used by construction traffic for a considerable period of time was not in compliance with principle 7 of policy SP 6. Mr Eales displayed slides on screen showing: plan of the applications site; Parameter 3 Plan; Phasing Plan, Phase 2 (Application 16/0220); comparison of density figures, proposed development adjacent to Amberwood / Cloverfield; Parameter Plan.

Mr Challis (Objector on his own behalf and on behalf of Mr Graham) objected to the application in the following terms: the Outline Approval 09/0413 had stipulated 5 access / egress points on to the development, the current application had reduced the number to 3; the initially approved 5 would be more appropriate for the scale of the development and should be reinstated; the use of Grange Drive as the main access for construction traffic was not compatible with Local Plan policy SP 6 as it would have an impact on residential amenity for a prolonged period of time, and was not in accord with principle 6 of the policy which encouraged streets to function as social spaces; Grange Drive did not meet the street

typologies of the Design and Access Statement, thus the construction traffic proposal and was not compliant with Local Plan policy IP 2 Transport and Development principle 6 which required HGV traffic be deterred from using residential streets; the Speckled Wood development, which was under the ownership of the applicant utilised discreet accesses for construction traffic through the implementation of various phases of development, residents of Amberfield and Cloverfield should be afforded the same respect and privacy and plans should be developed to provide access routes across the proposed development with discreet access to each character area; prior to any further development the existing speed humps on Grange Drive should be replaced by the raised block traffic calming as per previously approved plans to reduce noise nuisance; failure to address the foregoing matters would breach both planning policy and Article 8 of the European Convention on Human Rights.

Ms Graham (Applicant) responded in the following terms: the current application sought to deliver the final phases of a district centre development which had been approved a decade ago and encompassed a number of complex matters; Persimmon took ownership of the site three years ago and had generated a scheme that comprised a mixture of house types and materials used providing a range of options within a sustainable development; the Cloverfield development was unique in that the affordable housing provision it was required to provide had been delivered off site, such a delivery was no longer supported by planning policy; the current proposals were largely in line with the Outline approval, there were variances in density but those differences were not as extreme as the initial approval allowed for i.e. the delivery of four storey apartment blocks which were no longer supported by Council policy; the green space to be provided by the Section 106 would be designed, adopted and maintained by the Council; no Statutory Consultee had objected to the proposal.

Ms Graham confirmed that it was the intention when commencing the phase one construction to use Grange Drive as the construction access route. However, the applicant was agreeable to altering that to Peter Lane and for that detail to be included in the Construction Management Plan so that they may be held accountable on the matter.

The Committee then gave consideration to the application.

In response to Members' questions Officers confirmed:

- A Reserved Matters application should relate to the granted Outline permission;
- Outline Approval 09/0413 (Parameter Plan 3) set the following density ranges – low to medium = 20 – 45 dwellings/ha – high = 46+ dwellings, the proximity of the ranges meant that the density provided in some adjacent areas were very close, but still in line with the Parameter Plan;
- Whilst no grass verge was provided, Grange Drive still met the requirements in terms of road width to be the means of access for construction traffic;
- the area where the existing Cloverfield development abutted the application site with different density levels encompassed a section which contained three dwellings, as such the variance was not considered to be significant;
- the traffic calming measures to be implemented on Grange Drive would be determined via Section 38 agreement;
- the formula used to calculate the Section 106 contribution in respect of school places was based on the per pupil amount agreed as part of the 2010 approval, but was index linked;
- planning obligations from other developments would be required to realise sufficient funding to deliver a school.

Members and Officers discussed in detail: the proposals in relation to the vehicular access; construction traffic access; the closing up at one end of Peter Lane; and the relationship and impact of the Carlisle Southern Link Road on the development. A Member considered that conditions should be added requiring construction traffic access be made via Peter Lane as soon as possible.

A Member moved the Officer's recommendation.

The Chair considered that exhaustive debate had taken place on the application yet

Members remained unclear on the access and egress and the impact of the Carlisle Southern Link Road. On that basis he proposed the determination of the application be deferred. The Committee indicated its assent.

RESOLVED - That determination of the application be deferred in order to consider the transport implications of the proposed development in relation to the Carlisle Southern Link Road and Peter Lane.

2. Application - 22/0820 - Land at field 3486, Monkhill Road, Moorhouse, Carlisle

Proposal: Variation of Condition 2 (Approved Documents) of previously approved application 19/0244 (Erection of 14no. dwellings) to revise the house types and external materials.

Councillors Collier and Morton, having declared an interest in the matter of business removed themselves from their seats and took no part in the discussion nor determination of the application. In the absence of Councillor Morton, Councillor Tinnion assumed the Chair of the meeting.

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 18 January 2023. Slides were displayed on screen showing: location and, photographs of the site, an explanation of which was provided for the benefit of Members.

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

The Committee then gave consideration to the application.

In response to Members' questions the Planning Officer confirmed: the ridge heights of the dwellings and the drainage system for the development would remain as per the permission granted in respect of application 19/0244.

A Member moved the Officer's recommendation which was seconded and was:

RESOLVED - That the application be approved subject to the imposition of relevant conditions as detailed in the Schedule of Decisions attached to these minutes.

Councillors Collier and Morton resumed their seats.

3. Application - 22/0698 - Land between Kingmoor Park Central and North, Dukes Drive, Kingmoor Park North, Carlisle

Proposal: Demolition of existing buildings and the development of a new employment site of up to 102,194 (1.1m sqft) B8/B2 floorspace (including ancillary integral office space (Use Class E(g)), including car parking, internal estate roads and associated works including means of access (Outline).

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 18 January 2023. Slides were displayed on screen showing: location plan; and photographs of the site, an explanation of which was provided for the benefit of Members.

During the Committee's site visit, the Parish Council representative in attendance at the meeting had raised a number of concerns in relation to the future access to the existing Public Right of Way around the perimeter and through the common land. The Planning Officer had raised the issue with the agent, who had confirmed that there would be no changes to the access, a small diversion would be implemented along the east side of the land.

Following the publication of the report a Ward Member had raised a number of issues with

the Planning Officer, which he summarised for the benefit of Members and provided the following responses:

- the planning application for the Crindledyke development was undetermined. It was proposed that the properties would be close to the western boundary of the site, separated by the existing solar farm. A series of conditions had been suggested by colleagues in Environment Health (including in relation to noise) and were reproduced within the report;
- the scope of the S106 had been agreed with Cumbria County Council as such, it was not considered that there was any provision for requesting additional contributions;
- the access arrangements were considered as part of the current application. The issue of connectivity between the A689 and Crindledyke was considered in 2009 with earlier applications for development at Crindledyke and was dismissed. All the traffic modelling had been undertaken on the basis of the access arrangements and was deemed acceptable;
- the Lead Local Flood Authority had accepted the drainage arrangements based on the application at the time of submission those were nonetheless, subject to conditions requiring the agreement of appropriate drainage schemes; the Environment Agency had not raised any objection to the proposal;
- the issue of Biodiversity Net Gain was ongoing and Officers were working towards a positive net gain.

Additionally, written representations had been received from both Kingmoor Parish Council and an objector following the publication of the report. The Planning Officer summarised the issues raised therein for the benefit of Members.

The Planning Officer recommended that:

- 1) Authority to Issue be given to the Corporate Director of Economic Development to issue approval subject to the completion of an appropriate Section 106 Agreement regarding the payment of:
 - a) £60,000 for surface and drainage improvements to the public bridleway (number 120006);
 - b) £5,000 for improved drainage to the public footpath (number 109007);
 - c) £2,000 for the upgrading of public right of way signage;
 - d) £10,000 for improvements to Kingmoor south bridges; £117,250 for improvements to the Parkhouse roundabout signalisation scheme;
 - e) £6,600 to fund the monitoring of the Travel Plan.
- 2) If the legal agreement not be signed that authority be given to the Corporate Director of Economic Development to refuse the application.
- 3) That delegated authority be given to the Corporate Director of Economic Development to negotiate a solution to the issue of Biodiversity Net Gain.

The Committee then gave consideration to the application.

In response to Members' questions Officers confirmed:

- That a Travel Plan had been submitted with the Outline application;
- The use of photo voltaic cells was encouraged in planning policy, the layout of the panels was anticipated to be included in any future Reserved Matters application;
- the references by the Parish Council to comments made by both Natural England and the Environment Agency in their responses to the consultation on the application: neither of the Statutory Consultees had objected to the proposal;
- requests by Statutory Consultees for additional information was acceptable as the application sought Outline rather than full Planning Permission.

In response to a question from a Member seeking clarification on Biodiversity Net Gain, Officers set out the issues of moving towards the implementation of the matter which was yet to be fully incorporated into the National Planning Policy Framework.

With reference to the monitoring of the Travel Plan, a Member noted that the application sought Outline Permission, he felt it was important that a condition requiring the submission of a Travel Plan as part of any future application be imposed. The Officer undertook to

incorporate the condition

A Member moved the Officer's recommendation along with the imposition of an additional condition requiring, in respect of any subsequent application, the submission of a Travel Plan for approval by the Local Planning Authority. The proposal was seconded and it was:

RESOLVED - 1) Authority to Issue be given to the Corporate Director of Economic Development to issue approval subject to the completion of an appropriate Section 106 Agreement regarding the payment of:

- a) £60,000 for surface and drainage improvements to the public bridleway (number 120006);
- b) £5,000 for improved drainage to the public footpath (number 109007);
- c) £2,000 for the upgrading of public right of way signage;
- d) £10,000 for improvements to Kingmoor south bridges; £117,250 for improvements to the Parkhouse roundabout signalisation scheme;
- e) £6,600 to fund the monitoring of the Travel Plan.

2) If the legal agreement not be signed that authority be given to the Corporate Director of Economic Development to refuse the application.

3) That delegated authority be given to the Corporate Director of Economic Development to negotiate a solution to the issue of Biodiversity Net Gain.

4. Application - 22/0034 TPO - (Plots 6 & 8) Land at Lansdowne Close, Carlisle, CA3 9HN

Proposal: Felling of 1no. Ash Tree, Crown Raising by 10% canopy volume to 1no. Oak and 1no. Ash Tree.

The Head of Development Management advised that the application had been withdrawn in order to allow further consultation to take place following the submission of revised proposals.

RESOLVED - That the application be withdrawn from discussion.

DC.010/23 SCHEDULE B - APPLICATIONS DETERMINED BY OTHER AUTHORITIES

RESOLVED - That the report be noted.

DC.011/23 TPO 320 - LAND AT FIRBANK, WESTLINTON, CA6 6AQ

The Planning Officer submitted report ED.03/23 which considered the confirmation of Tree Preservation Order 320 - land at Firbank, Westlinton, CA6 6AQ following representations received to the making of the Order.

The Planning Officer recommended that Tree Preservation Order 320 - Land at Firbank, Westlinton, CA6 6AQ be confirmed.

The summarised objections reproduced within the report made reference to 'the now quashed planning consent' a Member asked for clarification on the matter.

Officers advised that the consent given in respect of application 22/0087 had been quashed, without a contested court hearing, as a result of the assessment of impact the proposal would have. The Council was in the process of redetermining the matter.

A Member moved the Officer's recommendation which was seconded and was:

RESOLVED - That Tree Preservation Order 320 - Land at Firbank, Westlinton, CA6 6AQ be confirmed.

The Meeting ended at: 12:28