

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 17 DECEMBER 2010 AT 10.00 AM

PRESENT: Councillor Mrs Parsons (Chairman), Councillors Betton, Bloxham, Cape, Mrs Farmer, M Clarke, Layden, McDevitt, Morton, Mrs Riddle, Mrs Rutherford and Scarborough

ALSO

PRESENT: Councillor Allison attended part of the meeting as Ward Councillor in respect of application 10/0917 (land south west of Ellesmere Way and adjacent to Wigton Road, Carlisle)

Councillor Luckley attended part of the meeting as Ward Councillor in respect of application 10/0813 (1 Cranbourne Road, Carlisle, CA2 7JN)

Councillor Mrs Mallinson attended part of the meeting having registered to speak on application 10/0857 (Site between 1 Eden Mount and 4 St Georges Crescent, Stanwix, Carlisle)

Councillor Stothard attended part of the meeting as Ward Councillor in respect of application 10/0930 (land south west of Ellesmere Way and adjacent to Wigton Road, Carlisle)

DC.88/10 APOLOGIES FOR ABSENCE

No apologies for absence were submitted.

DC.89/10 DECLARATIONS OF INTEREST

- Councillor Cape declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 10/0551 – The Knells Country House Ltd, The Knells, Carlisle CA6 4JG. The interest related to the fact that he was a member of the same sporting club as one of the objectors.
- Councillor Bloxham declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 10/0917 – land south west of Ellesmere Way and adjacent to Wigton Road, Carlisle. The interest related to the fact that he was a Member of the Executive.
- Councillor Mrs Mallinson declared a personal interest in accordance with the Council's Code of Conduct in relation to Application 10/0857 – site between 1 Eden Mount and 4 St George's Crescent, Stanwix, Carlisle.

The interest related to the fact that she knew several of the objectors and Members of the Development Control Committee.

DC.90/10 MINUTES

The Minutes of the site visit meeting held on 15 December 2010 were noted.

DC.91/10 CHAIRMAN'S ANNOUNCEMENT

The Chairman advised Members that Becki Miller, observing at the meeting, was a student undertaking work experience with the Legal Team.

The Chairman introduced Jane Meek, Interim Planning Manager.

DC.92/10 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Legal Services Manager outlined, for the benefit of those members of the public present at the meeting, the procedure to be followed in dealing with rights to speak.

DC.93/10 CONTROL OF DEVELOPMENT AND ADVERTISING

RESOLVED – That the applications referred to in the Schedule of Applications under A, B, C and D be approved/refused/deferred, subject to the conditions as set out in the Schedule of Decisions attached to these Minutes.

(1) Erection of 1no dwelling; formation of vehicular access (Revised Application), site between 1 Eden Mount and 4 St George's Crescent, Stanwix, Carlisle (Application 10/0857)

The Chairman advised Members that the application would be considered with the next item on the agenda (Application 10/0930) as the two applications were linked.

The Principal Development Control Officer submitted the report on the application and advised Members that the application, which had been the subject of a site visit on 15 December 2010, was brought before the Development Control Committee for determination due to the receipt of more than three letters of objection, and the Ward Councillor had registered a "right to speak" against the proposed development.

The Principal Development Control Officer reminded Members that the application had been deferred at the last meeting to enable a site visit in respect of the accompanying application for Listed Building Consent, that

followed the report in the schedule, and to enable objectors to that scheme the opportunity to exercise their “right to speak”.

The Principal Development Control Officer further reminded Members that the revised application sought “Full” planning permission for the erection of a detached dwelling on land to the rear of No 1 Eden Mount, Stanwix. The site was the former kitchen garden of No 1 Eden Mount, a Grade II Listed Building. The garden was segregated from the property by a private lane that ran along the rear of Eden Mount, which comprised a terrace of Grade II listed properties.

Whilst formerly associated with Eden Mount, the site’s principal frontage abutted St George’s Crescent, which was a privately owned road that lay to the south of the site. The site’s north, east and west boundaries were defined by high brick walls, whereas its southern boundary, which fronted St George’s Crescent, was defined by a low stone wall with wooden fencing above.

To the east of the site lay the Grade II Listed No 1 Eden Mount and to the west lay Nos 4 and 6 St George’s Crescent, a pair of substantial semi-detached dwellings. Whilst those two properties were not listed they were of architectural merit. To the north of the site lay the detached garden of No 2 Eden Mount, whereas to the south of the site, on the opposite side of St George’s Crescent, was a modern bungalow, although it was predominantly screened from view by its high boundary fence.

The site was identified on the Inset Map that accompanied the Carlisle District Local Plan as being within a Primary Residential Area, and lay within both the Stanwix Conservation Area and the buffer zone of Hadrian’s Wall World Heritage Site.

In conclusion, the Principal Development Control Officer advised that in overall terms, the principle of the proposed development remained acceptable. The current proposal was different in terms of height, design and site level when compared to the scheme refused permission under 97/0458. The scale, siting and design of the proposed dwelling were considered to be acceptable in relation to the site and the surrounding properties. Similarly, for the reasons outlined in the report, it was also considered that there would be no adverse impact upon the setting of the Listed Building, not the character of the Conservation Area. The living conditions of neighbouring properties would not be adversely affected and adequate car parking/amenity space would be provided to serve the dwelling. If members accepted the recommendation, and were minded to grant planning approval it was requested that “authority to issue” the approval was given subject to Natural England’s concerns being addressed.

Councillor Mrs Mallinson (Ward Councillor) addressed the Committee under the “Right to Speak” policy. She advised that, as well as being the Ward Councillor, she was also representing the residents in the area. She advised that the initial application that had been approved had caused consternation in the area. Mrs Mallinson queried why Policy T2 in the Local Plan had not been

investigated and stated that the lane that ran alongside the proposed development was narrow and even if the wall was removed and re-built it would still be difficult for vehicles to access the lane. The wall that ran the length of the development was a Listed Building and Mrs Mallinson stated that she was surprised that the matter had not been considered as part of the original application.

Mrs Mallinson was also concerned that it was unclear whether a bat survey had been undertaken and sought clarification that one had been done.

Whilst the Highways Authority had raised no issues regarding access Mrs Mallinson pointed out that the lane was a private road and that the matter should have been considered under Policy T2 that dealt with parking in a Conservation Area. She believed that residents with legal access to the lane would be disadvantaged if the application was approved. Residents of the proposed development would be forced to park in front of the development in St George's Crescent and she believed that was against Policy T2.

The Chairman advised that the following speaker would be allowed 10 minutes to make his submission as he was speaking on behalf of several residents.

Mr Kirkpatrick (Objector) stated that he was speaking on behalf of his mother, who lived in 3 Eden Mount, and other residents who had asked him to speak in their behalf.

Mr Kirkpatrick outlined the history of the site and highlighted the planning applications that had been submitted and refused in the past. Mr Kirkpatrick advised that the application that had been refused in 1997 had been taken to the Planning Inspectorate but there had been some confusion about whether the report from the Planning Inspector had been seen by Members. The Planning Inspectorate had decided that the site was not appropriate for a development of a building in its own right. Matters had stopped until the developer began discussions with the Officer and the Conservation Officer regarding a development on the site. The residents were unaware of the negotiations until a digger appeared on the site. Some of the coping stones of the wall had been removed by the digger and the site was now an eyesore where it had once been an orchard.

Mr Kirkpatrick reminded Members that planning permission had been granted in June 2010 for a building on the site but he believed that decision was flawed as it had not been indicated that the wall had been Listed or that the wall would collapse, nor had there been any indication that a bat survey had been undertaken or that Policy T2 had been considered.

Mr Kirkpatrick stated that he was grateful that a site visit had been conducted and, while he hoped that that had helped Members to see the development from the residents' point of view, he believed that it must be clear that the development would encroach forward of the building line and was incongruous to buildings on either side and that it was obvious that it was not

an ancillary building to properties on either side. The Officer had advised that the building would have the appearance of an ancillary building, but Mr Kirkpatrick pointed out that 1 Eden Mount had a coach house and 4 St George's Crescent had its own ancillary building and that there was a wall between.

With regard to the proposed access Mr Kirkpatrick stated that there was some controversy over the ownership of the lane, which would be a civil matter to resolve, but that the Committee were to consider the access to the lane. He advised that residents parked their cars in the lane outside their garages and the development would have a detrimental effect on residents under Policy T2 which had not been considered in the report. He believed that the development would be cramped with cramped access.

Mr Kirkpatrick stated that he had spoken with the Legal Advisor regarding the application made by Mr Holt. He informed Members that Mr Holt had stated that he had stated that he was the owner of the land when he was not and that the rightful owners should be notified.

The Legal Services Manager advised that Section 66 of the Town and Country Planning Act 1990 stated that a Local Planning Authority should not entertain a planning application unless it was accompanied by one of various certificates as to ownership. Mr Holt had submitted that certificate. The Committee could therefore proceed to consider the application. If it transpired that Mr Holt was not the owner of the land that would be a matter to be dealt with outwith the Committee meeting.

Ms McWilliams (Objector) advised that she was speaking on behalf of her mother, the owner of 1 Eden Mount. She advised that the application had proposed a new access to the site directly opposite the entrance to the garage on 1 Eden Mount. She stated that her elderly relatives and neighbours park in the lane and that access was difficult at weekends and evenings with the narrow lane causing a restricted view. Ms McWilliams asked Members to give consideration to the impact on neighbours and emergency services.

Ms McWilliams believed that the application that had been submitted in 1998 was refused on the grounds that the proposed building was too large. The application now being considered was bigger than that application and would go against the decision of the Planning Inspectorate.

Ms McWilliams further believed that the application should be refused on the grounds of Policy G2 as the wall was a Listed Building. She also believed that the application was an example of 'garden grabbing' and that the development would have an adverse impact on the Conservation Area as well as the access and requested that the application be refused.

The Principal Development Control Officer, in response to the comments made by the objectors, advised that Policy T2 was geared towards larger scale car parks in residential areas. With regard to the Planning

Inspectorate's decision, the Principal Development Control Officer advised that the Inspector's decision had been included in the original report before Members, together with the plans and reasons justifying the recommendation for approval.

The Principal Development Control Officer further advised that the access arrangements were unchanged from the approved scheme.

With regard to the Conservation Area, the Principal Development Control Officer reminded Members that they were considering changes to an approved scheme. The wall along the lane was listed, but that did not overcome the established principle of a dwelling on the site. The wall was listed by virtue of its being in the curtilage of a Listed Building and Members needed to consider what harm would be caused by its removal and reconstruction. That had not been a consideration during the original application as that had not required the removal of the wall.

With regard to the bat survey, the Principal Development Control Officer advised that there was no survey carried out as part of the original application but in response to changes to the consultation process additional information had been received from Natural England that would consider bats and birds. However, as it was currently the hibernation period for bats, it would not be possible to carry out the bat survey at the current time, but the application could be approved subject to any concerns from Natural England being satisfactorily addressed.

The Committee then gave detailed consideration to the application.

A Member asked for clarification that if the application was refused, could the original application be implemented. The Legal Services Manager advised that that was the case. She reminded Members that they were considering the variation to the original application and that the principle of the application had been established previously.

A Member was unclear about the situation regarding the bat survey. The Principal Development Control Officer had stated that the survey could not take place due to the hibernating season but the report stated that Natural England had not had enough information. The Principal Development Control Officer advised that he was asking Members to grant authority to issue approval subject to any concerns raised by Natural England being satisfactorily addressed.

The Member also asked for clarification regarding Policy T2 as in his view the Policy dealt with specific car parking rather than cars parking in the area. The Assistant Director (Economic Development) confirmed that the Policy dealt with car parks not off street parking for dwellings.

A Member stated that having been on the site visit and seen the wall in question he was not too concerned about the wall being demolished and rebuilt and that it appeared that if nothing was done the wall would collapse

anyway. The Member was concerned that the application was for alterations that would make the building less desirable than the proposal that had already been passed. Members had already given permission for a building on the site but the Member proposed that Members should refuse approval of the alterations. The proposal was seconded.

The Principal Development Control Officer explained that with regard to the proposed alterations the two lean to buildings were set back from the main site and would not be higher than the boundary wall. The Principal Development Control Officer advised that the Member needed to state on what grounds the application would be refused. The Member stated that he believed the extension was closer to the highway and that because of the different roofline it would have an impact on the historic position that was against Policy LE13.

The Interim Planning Manager advised that Policy LE13 would not be appropriate in that instance because the building itself was not listed.

The Member therefore moved refusal under Policy LE19, and that was seconded.

A Member moved approval of the Officer's recommendation. That proposal was seconded.

A Member asked whether officers could look at the points raised before a decision was made. The Legal Services Manager advised that if the application was refused the applicant could submit a new application that included and addressed the points raised.

Following a vote it was:

RESOLVED – That authority to issue approval be granted subject to Natural England's concerns being addressed.

(2) Demolition of garden wall and erection of replacement, site between 1 Eden Mount and 4 St George's Crescent, Stanwix, Carlisle, (Application 10/0930)

The Chairman advised Members that the application would be considered with the previous item on the agenda (Application 10/0857) as the two applications were linked.

The Principal Development Control Officer submitted the report on the application and advised Members that the application, which had been the subject of a site visit on 15 December 2010, was brought before the Development Control Committee for determination due to the receipt of more than three letters of objection, and the Ward Councillor had registered a "right to speak" against the proposed development.

The Principal Development Control Officer reminded Members that the application was deferred at the last meeting in order to undertake a site visit and to enable objectors to that scheme the opportunity to exercise their “right to speak” against the proposal. The Principal Development Control Officer further reminded members that the revised application sought “Listed Building Consent” for the demolition of a boundary wall on land to the rear of No 1 Eden Mount, Stanwix. The land was situated within the Stanwix Conservation Area and a row of Grade II Listed terraced properties, known as Eden Mount, located immediately to the east of the site. The site previously formed the kitchen garden of No 1 Eden Mount but has since been separated in ownership.

In conclusion, the Principal Development Control Officer recommended that Members approve the application, but only if permission had been granted for the redevelopment of the site in accordance with application 10/0857. If that application was refused application 10/0930 should also be refused on the grounds of prematurity and the potential adverse impact on the character and appearance of the Stanwix Conservation Area and the setting of Eden Mount, a terrace of Grade II Listed Buildings.

RESOLVED – That authority to issue approval be granted subject to Natural England’s concerns being addressed in respect of the “Full” application to redevelop the site (Application 10/0857) being satisfactorily addressed.

(3) Erection of 12 bedroom care home, The Knells Country House Ltd, The Knells, CA6 4JG (Application 10/0551)

The Development Control Officer submitted the report on the application and advised Members that the application, which had been the subject of a site visit on 15 December 2010, had been brought before the Development Control Committee the Parish Council had objected to the application and six letters of objection had been received.

The Development Control Officer reminded Members that the application was deferred at the last meeting in order to undertake a site visit and to allow discussions to take place with the applicant and the Care Quality Commission/Social Services about the internal layout.

The proposal sought planning permission for the erection of a twelve bed care home in The Knells Country House, a Listed Building that was currently a care home. A terraced garden was located to the front of the property and the upper section contained areas laid to lawn, seating areas which were used by residents and a summerhouse. The lower section, accessed by steps, was also largely laid to lawn and that area contained the existing septic tank that served Knells House, together with a septic tank that served some of the adjacent properties. A low timber fence was located at the eastern edge of the garden, beyond which lay some below ground filter tanks. Open fields were located beyond that.

The Development Control Officer advised that a further area of garden was located to the south of the property. That area contained a number of trees and shrubs, including two mature trees, which were the subject of a Tree Preservation Order. An additional area of garden was also located to the west of Knells House and the area contained some trees and shrubs and a number of benches, which were used by residents. The garden area was adjoined by a block of brick garages and some timber outbuildings that were in a poor state of repair.

Knells House was accessed via private driveway from the Houghton to Scaleby road. The driveway, that ran right round Knells House, had various areas of hardstanding adjacent to it, including a parking area located to the south of Knells House. Parking also took place on some of the other areas of hardstanding, including on areas immediately adjacent to the north of the dwelling and in the northern corner of the site, adjacent to the timber outbuildings.

Six residential properties adjoined the curtilage of Knells House. Five of those were bungalows that shared the access to the nursing home and had a right of way over it. The other was a one and a half storey dwelling, which had a rear elevation facing the site but which was accessed directly from the main road. Two further bungalows, which fronted onto the main road, also have a right of way over the access.

In conclusion, the Development Control Officer advised that in overall terms, the proposal was acceptable in principle and the scale and design of the building were acceptable. The proposal would not have an adverse impact on the Listed Building or on the living conditions of the occupiers of any neighbouring properties due to loss of light, loss of privacy or over-dominance. The impact on existing trees and the proposed access and parking arrangements would be acceptable. In all aspects, the proposal was compliant with the relevant policies contained within the adopted Local Plan.

The Development Control Officer advised that following a request by a Member on the site visit, the applicants confirmed that they would be happy for the render to match that of the main building. The Development Control Officer also confirmed that the sills would be made from artificial stone.

Since the report had been published the Police had confirmed that they were happy with the security arrangements on the site.

The Development Control Officer had spoken with the Care Quality Commission with regard to the internal layout, and they had advised that they would not get involved in the application but that they had advised the applicants of the standard requirements that should be complied with. The applicants had also sought the advice of Social Services and the Officer was happy that those recommendations would be implemented. Therefore the Development Control Officer recommended the application for approval.

It was moved and seconded that the Officer's recommendation be approved.

RESOLVED – That the application be approved.

**(4) Erection of 1no dwelling, 1 Cranbourne Road, Carlisle, CA2 7JN
(Application 10/0813)**

The Development Control Officer submitted her report on the application and advised that the application, that had been the subject of a site visit on 15 December 2010, had been brought before the Development Control Committee as the Ward Councillor had requested a Right to Speak against and more than four written objections had been received.

The Development Control Officer reminded Members that the application had been deferred at the last meeting in order that a site visit might be undertaken. The application sought approval for the erection of one dwelling in the grounds of 1 Cranbourne Road, a two storey semi-detached property. The property was surrounded by two storey terraced properties situated on the western side of Cranbourne Road, an unadopted access lane to the north, single storey dwellings to the east and a two storey residential property to the south. Beyond the access lane to the north were two storey terraced properties on Newtown Road whose rear gardens/yards back onto the access lane. The site was identified on the Proposals Map that accompanied the Carlisle District Local Plan 2001-2016 as being within a Primary Residential Area.

The Development Control Officer presented photographs of the rear of the site as Members were unable to access the rear garden on their visit, and the front elevation of the property.

In conclusion the Development Control Officer advised that, in overall terms, the proposal would not adversely affect the living conditions of adjacent properties sufficient to merit refusal. The scale and design of the proposed development was acceptable and it was considered that the proposal would not have an adverse impact upon the surrounding area. It was therefore recommended that Members approve the application.

The Committee then gave detailed consideration to the application.

A Member stated that he supported the Officer's recommendation and moved approval as the proposed development would not be out of character and reminded Members that, even if the application was refused, the residents could make an access from the property into the lane without planning permission.

A Member stated that he was unhappy with the application but there was no valid planning reason why it should be refused. As a number of people had objected to the application and it had been brought to Committee for approval, the Member was concerned that the Committee could be doing a disservice to those who had objected but Members were unable to do anything about it.

The hedge could be cut back and the applicants could still park at the rear of the present property. As there was no valid reason for refusal the Member advised that he would abstain from voting.

A Member stated that she was unhappy with the application although it was not detrimental to the area as there were a number of terraced buildings on the opposite side of the road. However, they were purpose built and the proposal was to transform a pair of semis into a terrace. The Member believed that if the application had been for an extension Officers would have had to consider distances to neighbouring properties etc and the proposal would not meet those requirements but the proposal was for a separate dwelling. There had been concerns in the past about building annexes such as 'granny flats' regarding separate doors etc and some of those had been turned down. The Member proposed refusal of the Officer's recommendation under Policy H2 subsection 3 in that the type of property would not complement the other mainly semi detached properties. That proposal was seconded.

The Interim Planning Manager advised that the application could be refused on the grounds that the proposed dwelling would be located on the north facing gable of a semi-detached property and would occupy the remainder of the plot. Within the residential street there was a mix of semi-detached and terraced properties, each type being distinct within the street scene. By virtue of the scale, mass and siting of the proposed dwelling the development would result in the creation of a terrace of properties on the eastern side of Cranbourne Road which was currently characterised by semi-detached dwellings. The creation of a terrace would result in the overdevelopment of the site and would be at odds with the design of the semi-detached dwellings, which would be detrimental to the character and appearance of the street scene. The proposal would therefore be contrary to criterion 3 of Policy H2 and criterion 1 of Policy CP5 of the Carlisle District Local Plan. The proposed development would also be detrimental to the living conditions of the occupiers of adjacent residential properties through overbearing presence, contrary to the objectives of criteria of Policy H2 and Criteria 2 of Policy H9 of the Carlisle District Local Plan.

A Member seconded the proposal to approve the application and stated that he was grateful that there had been a site visit.

Following a vote it was:

RESOLVED – That permission to approve the application be granted.

There was a short adjournment from 11:05 to 11:15.

- (5) Erection of a District Centre including Class A1 foodstore comprising 8,175sq m gross internal area (5,574sq m net sales floorspace), a petrol filling station, the provision of Class A3 (restaurant/cafe), A5 (hot food takeaway) and D1 (crèche)**

floorspace (1,021 sq m gross internal area) and ancillary development including landscaping and car parking, land south west of Ellesmere Way and adjacent to Wigton Road, Carlisle (Application 10/0917)

The Principal Development Control Officer submitted his report on the application and advised that the application, that had been the subject of a site visit on 15 December 2010, had been brought before the Development Control Committee due to the scale and nature of the proposal.

The Principal Development Control Officer advised that the application sought "outline" planning permission for the erection of a District Centre on land located to the south western outskirts of Carlisle, which was allocated for the provision of a District Centre in the Carlisle District Local Plan 2001-2016. The application comprised a retail foodstore, petrol filling station, crèche, restaurant/cafe and take-away, with associated car parking and landscaping.

The Principal Development Control Officer informed reminded Members of the situation of the site and advised that the suburb of Morton was located to the north of the site and the site's northern boundary abutted the residential street of Ellesmere Way. The properties along Ellesmere Way were predominantly two storey houses and flats/maisonettes. Immediately to the south of the site was an allocation for a "park and ride" facility.

To the east and further to the south of the site lay agricultural land that had been allocated in the Carlisle District Local Plan for a mixed use development comprising residential properties and employment units with associated parkland open space. The Principal Development Control Officer reminded Members that an "outline" application for the redevelopment of the land was recently approved by Members subject to the completion of a Section 106 agreement. To the west of the site was a new residential estate, known as "The Beeches" and further west was agricultural land. The surrounding nature of the site was predominantly agricultural and residential.

At the southern corner of the site, albeit outwith the application boundary, lay an electricity substation. Beyond the south western corner of the site, either side of Wigton Road, were a cluster of semi-detached, two storey dwellings, at the southern extent of which was a petrol filling station. Fairy Beck, which was a tributary of the River Eden Special Area of Conservation and Site of Special Scientific Interest, was located approximately 200 metres to the south of the site.

The Principal Development Control Officer advised Members that Suttle House, a Grade II Listed Building, was located approximately 75 metres to the north west on the opposite side of Wigton Road. A residential scheme is in the process of being implemented within the grounds of Suttle House, albeit progress on that development had halted as a consequence of the current financial climate. A Grade II 19th Century milestone was located in the highway verge outside Suttle House.

The Principal Development Control Officer stated that although the size of the proposed District Centre was larger than that allocated in the Local Plan, the company acting as independent advisors to the City Council had advised that there was no clear evidence that the application would be likely to lead to significant adverse impacts in terms of the impacts set out in Policies EC10.2 and EC.16.1 of PPS4. As part of the description of the proposal Members were made aware that the application was accompanied by an Environmental Impact Assessment and the Principal Development Control Officer highlighted the key issues raised by the Environmental Impact Assessment.

With the exception of the issues raised by the Highways Authority and natural England, which were not considered to be insurmountable, the report identified that no issues were raised by consultees or representatives that indicated any adverse impact that could not be mitigated through the imposition of planning conditions or the submission of a "Reserved Matters" application.

The Principal Development Control Officer advised that, subject to the Highway Authority and Natural England's comments being addressed the application would be recommended for approval. Officers had taken into account all relevant environmental information within the meaning of the relevant regulation.

Members were also advised that whereas the normal commencement condition of an "Outline" consent required a "Reserved Matters" application to be submitted within one year from the date of the permission, the applicants had specifically requested that that be extended to three years to enable time for the site to be marketed and for the prospective developer to prepare the "Reserved Application" package. Similarly the applicants had also requested that the timeframe for commencing work on site be extended from 3 years to 5 years. That request was not unreasonable and accorded with the approach that the Council had taken in respect of the recently approved industrial development at Brunthill and the extension to the Sands Centre leisure complex. The potential "start" date should also accord with the completion of the CNDR.

Therefore, the Principal Development Control Officer recommended that, whilst the size of the District Centre was larger than allocated in the Carlisle District Local Plan, for the reasons identified in the report there was sufficient justification to approve the application.

The Principal Development Control Officer advised Members that since the report had been published a letter of objection had been received from the Ward Councillor that raised concerns about the size of the foodstore as it was larger than the threshold allocated in the Local Plan.

The Principal Development Control Officer presented slides that showed amended plans and highlighted the changes, and also the updated layout in the context of the Morton Master Plan.

The Principal Development Control Officer informed Members that he had also received an objection to the amended layout from the Church Commissioners for England who owned the adjoining land to the east. Their concerns were effectively a repetition of their original objections that related to the detailed aspects of the scheme that were not being considered as part of the “outline” application.

Since the report was written the Highway Authority had also confirmed that they had no objections to the scheme subject to the imposition of several conditions; an updated schedule of conditions was included in the Supplementary Schedule. Since that list of conditions had been compiled there had also been a suggestion that there should also be a condition that required a waste recycling facility to be provided once the store became operational. The Council’s Waste Services Manager had confirmed that such a facility would be welcome in the area and the applicant had confirmed that they would accept the imposition of such a condition.

In terms of the recommendation in the report, it made reference to the completion of a Section 106 Agreement. However, the Principal Development Control Officer had since been advised that it would not be practical for the Council, as applicant, to enter into an agreement with itself. To overcome the issue the Officer recommended two additional conditions to those suggested.

The first would state that no development should commence until a scheme had been agreed to enable the future monitoring of the Travel Plan. Members may have noted that the submission of a Travel Plan was a requirement of the Highway Authority and was covered by Condition 33.

The second condition to be used in lieu of a legal agreement would prevent any work commencing on site until a scheme to enable the provision of a bus service to the site had been agreed. That condition would also state that the commercial units should not open to trade until the bus service had been implemented.

The report also suggested that the Travel Plan Bond, requested by the Highway Authority, ought to be included within a Section 106 Agreement. However, the Highway Authority had since advised that the Bond could form part of the Travel Plan.

In conclusion, the Principal Development Control Officer advised that, due to the above, the recommendation had been amended to that in the report and requested that Members grant “authority to issue” an approval subject to:

- The imposition of the highway related conditions contained in the Supplementary Schedule
- The imposition of three additional conditions outlined in the presentation relating to the provision of a waste recycling facility, a scheme to enable the continued monitoring of the Travel Plan and the provision of a bus service to the site

- No new issues or objections being raised following the expiration of the consultation period, and
- The concerns raised by Natural England being satisfactorily addressed.

The Committee then gave detailed consideration to the application.

A Member stated that he was confused about the Travel Plan as supermarkets required people to travel there. The Principal Development Control Officer explained that the intention was to encourage people to travel by means other than private car and a penalty would be imposed through the Bond if the company failed to meet the objectives of the Travel Plan. The Assistant Director (Economic Development) added that the Travel Plan would also apply to employees.

A Member hoped that the conditions would follow the recommendations of the energy plan and that appliances were installed that would not waste water. The Principal Development Control Officer advised that there would be a condition regarding energy efficiency during construction and the operational phase.

A Member moved the Officer's recommendation and stated that he was pleased that the application was moving ahead as that side of the city needed such a facility. He believed that people would be making shorter journeys and that there would be less traffic through the city centre.

A Member stated that he supported the proposal in general terms but queried whether the objector named as John Bell, Torbay, lived in Devon. A further Member queried whether he was a Ward Councillor. The Principal Development Control Officer advised that it was neither and that Torbay was the name of a property in Garden Village.

A Member stated that he was concerned about the location of the recycling plant at the petrol station. The Principal Development Control Officer advised that the space had been allocated for the recycling area and as the plan was an indicative plan a condition could be imposed that would determine the location of the recycling plant in a "Reserved Matters" application.

RESOLVED – That authority to issue approval of the application be granted subject to:

- The imposition of the highway related conditions contained in the Supplementary Schedule
- The imposition of three additional conditions outlined in the presentation relating to the provision of a waste recycling facility, a scheme to enable the continued monitoring of the Travel Plan and the provision of a bus service to the site
- No new issues or objections being raised following the expiration of the consultation period, and
- The concerns raised by Natural England being satisfactorily addressed.

(6) Redevelopment of Former Prince of Wales public house and conversion of 102 Denton Street to create 16no apartments and 1no commercial unit with associated parking and servicing, 102 and 104 Denton Street, Carlisle (Application 10/0164)

The report explained that the application had been brought for consideration by the Development Control Committee as for two reasons. Firstly, it was a revision to the original proposal (10/0164) for which authority to issue was granted by Committee on 20 August 2010 and secondly, in considering the revised proposals on 12 November 2010 the Committee raised the issue of possible contributions to open space provision.

The report reminded Members that during their meeting on 20 August 2010, authority to issue approval subject to the imposition of relevant conditions and the satisfactory completion of a Section 106 Agreement. The applicant's agent had subsequently submitted revised plans that detailed two amendments. The first was the lowering of the finished floor level of the commercial unit to 16.3m AOD (above ordnance datum) ie the same level as the external pavement level. The second amendment was the removal of the internal ramps within the communal corridors what provided access to the residential units. The agent had also explained that there was no intended changes to the external appearance of the development or site layout as part of the proposed revisions, and under PPS25 "Development and Flood Risk" buildings used for shops, offices, financial/professional services, restaurants/cafes and hot food takeaways were identified as being less vulnerable and thus appropriate in Flood Zones 1, 2 and 3a.

The report advised that it was understood that the proposed revisions to the commercial unit were to enable a greater depth to be provided between the ceiling height of the commercial unit and the floor level of the residential units above, and reduce the length of ramp to minimise loss of floorspace.

The proposed revisions had been reported to Members during the Committee meeting on 12 November 2010 when consideration was deferred in order to explore the possibility of the developer providing a contribution towards improving existing recreational facilities in the area. The report contained background information on the proposal and a repeat discussion of what were considered to be the main issues in the context of the proposed revisions compared to the agreed scheme.

In conclusion, the report advised that in comparison to the previously agreed scheme, the proposed revisions only potentially impinged upon those issues associated with flooding and access. When considering the proposed revisions it was evident that the Environment Agency and Access Officer had not raised any objections. The report stated that, in the context of Policy LC4 stipulating a threshold of 40 or more dwellings, it would be unreasonable to insist that the developer made a contribution towards play/recreational space provision.

The Principal Development Control Officer advised Members that since the report was deferred at the last meeting the Highway Authority had confirmed that the 7 parking bays to be formed on the north side of Northumberland Street were intended for public parking as part of a controlled parking zone.

The Principal Development Control Officer advised that the Case Officer had checked the Audit of Open Space for Denton Holme as a result of which a shortfall in the ward for outdoor sports facilities was identified. The applicant had subsequently confirmed a willingness to pay the appropriate sport contribution for the scheme, which totalled as £3,538.

On that basis the Principal Development Control Officer recommended that authority to issue approval be granted subject to the completion of a Section 106 Agreement concerning the funding of the Traffic Regulations order and payment of the committed sum towards improvements in sports provision.

The Committee then gave detailed consideration to the application.

A Member stated that he supported the Officer's recommendation and he was pleased that the application had been submitted as he believed the development would lift the area and that with the provision of residential properties, bistro and parking everyone would be winners.

A Member seconded the proposal to approve the recommendation but stated that it was necessary for applicant to progress the development as the area was currently an eyesore.

RESOLVED – That authority to issue approval of the application be granted subject to the satisfactory completion of a Section 106 Agreement concerning the funding of a Traffic Regulation Order and the payment of the committed sum of £3,538 towards the improvement to outdoor sports facilities.

(7) Proposed development consists of four new bespoke 4m high orientation beacons and one new 2.35m high information board on Castle Street, as part of the Carlisle Roman Gateway Public Realm and Interpretation Project, land adjacent Tullie House Museum, Castle Street, Carlisle, CA3 8TP (Application 10/0887)

The Principal Development Control Officer submitted his report on the application, and advised that the application related to alterations to the public realm within a sensitive location.

The Principal Development Control Officer reminded Members that Tullie House Museum and Art Gallery had frontages onto Castle Street, Castle Way and Abbey Street. The Museum and Art Gallery was based around Tullie House, a Grade II Listed Building dating from the 1730s with subsequent extensions such as the Gate Tower, former library and museum. The garden wall, gates and railings were separately listed. The Museum and Art Gallery had more recently had significant extensions carried out in 1989 and work

carried out in 2000 included the erection of a rotunda facing Castle Way. The Museum and Art Gallery was located within the City Centre Conservation Area with a number of Listed Buildings in the immediate vicinity of the application site.

In conclusion, the Principal Development Control Officer explained that the application needed to be viewed as an integral part of the Roman Gateway project and the ongoing public realm works on Castle Street. That work would be required to meet the needs of a range of end users in terms of purpose (shoppers, visitors, businesses, etc) and ability.

The submitted plans also detailed work that did not require planning permission but had led to a number of concerns from interested parties. When assessing the application it was considered that the proposed beacons and information panel would not individually or cumulatively be detrimental to either the setting of neighbouring Listed Buildings nor the character of the City Centre Conservation Area.

The Principal Development Control Officer presented slides of photographs looking up Castle Street and down Castle Street towards the castle and showing the area subject of the application.

The Principal Development Control Officer stated that, in response to concerns raised about the setts and edging that go onto the carriageway at Annetwell Street, the potential clutter with regard to the Castle Street entrance with 2 beacons, litter bin and bench and the entrance to 13/15 Castle Street, revised plans received showed that setts do not encroach onto Annetwell Street, the litter bin and bench had been removed and build-outs reduced with existing kerb radii retained for 13/15 Castle Street.

On the basis of the revised plans the Principal Development Control Officer recommended the application for approval subject to the imposition of the relevant conditions.

The Committee then gave detailed consideration to the application.

It was moved and seconded that the application be approved.

A Member asked whether a bench could be placed against the wall in Castle Street as there was a need for seating, particularly if the Council were trying to encourage a cafe culture in the area. The Principal Development Control Officer advised that benches were included in the improvements to Castle Street.

A Member was concerned about the height and mass of the posts outside Tullie House and asked whether they needed to be of that mass as he believed they would be out of scale with the street. The Principal Development Control Officer advised that the photographs in the report indicated the impact of the posts on Castle Street and the entrance to Tullie

House and that they were consistent with those in Bitts Park and the Sands Centre. Therefore he did not believe they would look out of place.

RESOLVED – That approval of the application be granted subject to relevant conditions being imposed.

**DC.94/10 PROPOSED CHANGES TO THE NATIONAL AND LOCAL
LISTS THAT IDENTIFY THE INFORMATION REQUIRED TO
ACCOMPANY PLANNING APPLICATIONS**

The Principal Development Control Officer presented report ED.42/10 that reminded Members that the proposed changes to National and Local Information required for valid Planning Applications had been considered by Members at the Development Control meeting on 1 October 2010. Report ED.42/10 briefed members of the outcome of the consultation and sought approval to the final list.

The Principal Development Control Officer advised that the consultation period was complete and no comments had been received. In order to clarify further, amendments had been made with regards Listed Building Consent. Applications that affected Heritage Assets needed to be accompanied by a 'Statement of Significance' and an 'Impact Assessment'. The 'Statement of Significance' described the Heritage Asset and how it would be affected by the proposal and how it contributed to the heritage of the area. The 'Impact Assessment' described the impact the proposed development would have on the Heritage Asset.

The Principal Development Control Officer believed that the amendments to the Validation List were to be welcomed and that the Guidance Notes that accompanied the list would make it clear to applicants why information was needed. That would help to ensure that applicants provided the correct information that would ultimately speed up the process.

The Principal Development Control Officer therefore recommended that the amended National and Local Information List for Planning Applications be approved.

The Interim Planning Manager stated that she welcomed the changes and believed that the guidance notes would help applicants and would speed up the process. The amended list had also given Officers the opportunity to revise the validation list.

A Member stated that he believed that the report was an excellent document, easy to read and understand.

The Chairman asked Members to retain the document as it would be useful and further advised that there would be training provided in the coming months and Members would received a file to hold their training papers and the document.

RESOLVED: That the amended National and Local Information List for Planning Applications be approved.

**DC.95/10 PROPOSED TREE PRESERVATION ORDER NO 254 –
LAND AT DURRANHILL ROAD**

The Interim Planning Manager submitted Report ED.43/10 concerning Tree Preservation Order No. 254 made on 21 October 2010 to protect one individual tree and two groups of trees on land adjacent to Durranhill Road. The report considered objections to the Order and concluded that the Order should be confirmed without modification.

The report advised that the land where the trees were situated was designated in the Carlisle district Local Plan 2001-2016 as Land Allocated for Residential Development and recently proposals had been brought forward to develop the land.

A site visit had been carried out to assess the trees on the site and it had been determined that one individual tree and two groups, comprising ten trees, were worthy of statutory protection by means of a Tree Preservation Order. One objection had been made stating that one of the trees in Group 2 was a poor specimen and recommended it for removal. Officers responded that the intention of the group classification was to protect trees whose overall merit outweighed their individual merit. In the case of the tree mentioned, while it may not have merited protection in its own right it was felt that it did contribute to the overall value of the group and protecting the tree ensured that when it needed to be removed its replacement would be guaranteed, thereby ensuring the continuity of the group as a whole.

In conclusion, the report informed Members that whilst it was accepted that it would be necessary to consider works to the tree in accordance with good arboricultural practice, the Tree Preservation Order did not prevent that, albeit where appropriate an application would need to be made and replacement planting required.

Having duly considered all the representation and weighed the objections against the present and future value of the trees, it was considered that the trees would provide a significant level of public amenity for a reasonable period of time and therefore merited the protection afforded by a Tree Preservation Order.

Therefore the Interim Planning Manager recommended that Tree Preservation Order 254 be confirmed without modification.

RESOLVED: That Tree Preservation Order 254 – land at Durranhill Road, Carlisle be confirmed without modification.

[The meeting ended at 11:40am]