

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 8 MARCH 2013 AT 10.00 AM

PRESENT: Councillor Scarborough (Chairman), Councillors Bloxham, S Bowman (as substitute for Councillor Mrs Prest), Cape, Craig, Earp, Graham, McDevitt, Mrs Parson, Mrs Riddle, Mrs Warwick and Whalen

ALSO

PRESENT: Councillor Bainbridge attended the meeting as Ward Councillor in respect of applications 12/0835 and 12/0836 (Rickerby Cottage, Rickerby Park, Carlisle) and 12/0843 (Greenfield Farm, The Green, Houghton, Carlisle, CA3 0LP)

Councillor Betton attended the meeting as Ward Councillor in respect of applications 12/1040 and 12/1041 (174-204 Borland Avenue, Botcherby, Carlisle)

Councillor Collier attended part of the meeting as an Observer

OFFICERS: Director of Economic Development
Director of Governance
Planning Manager
Planning Officers (AH, RJM, SD, SE, ST)
Principal Planning Officer

DC.22/13 APOLOGIES FOR ABSENCE

An apology was accepted by Councillor Mrs Prest.

DC.23/13 DECLARATIONS OF INTEREST

Councillor Bloxham declared an interest in accordance with the Council's Code of Conduct in respect of application 12/0710 (land to the rear of Scotby Green Steading, Scotby, Carlisle). The interest related to the fact that his wife was a member of an organisation chaired by an objector.

Councillor Cape declared an interest in accordance with the Council's Code of Conduct in respect of applications 12/0953 (Irthing Centre, Union Lane, Brampton, CA8 1BX) and 12/0970 (land to the rear of Park House, Parkett Hill, Scotby, Carlisle, CA4 8BZ). The interest related to the fact that Green Design Director was a member of the same sporting club.

Councillor Earp declared a registrable interest in accordance with the Council's Code of Conduct in respect of applications 12/0710 (land to the rear of Scotby Green Steading, Scotby, Carlisle), 12/0790 (land at Broomfallen Road, Scotby, CA4 8DE), 12/0856 (land adjacent to Beech Cottage, Cumwhinton, Carlisle, CA4 8DL) and 12/0970 (land to the rear of Park House, Parkett Hill, Scotby, Carlisle, CA4 8BZ). The interest related to the fact that 3 of the developers and many objectors were known to him.

Councillor McDevitt declared an interest in accordance with the Council's Code of Conduct in respect of application 12/0953 (Irthing Centre, Union Lane, Brampton, CA8 1BX). The interest related to the fact that he was a Member of Cumbria County Council.

Councillor Mrs Parsons declared an interest in accordance with the Council's Code of Conduct in respect of application 12/0710 (land to the rear of Scotby Green Steading, Scotby, Carlisle). The interest related to the fact that she was a member of an organisation chaired by an objector.

Councillor Mrs Riddle declared an interest in accordance with the Council's Code of Conduct in respect of application 12/0710 (land to the rear of Scotby Green Steading, Scotby, Carlisle). The interest related to the fact that she was a member of an organisation chaired by an objector.

Councillor Mrs Riddle declared an interest in accordance with the Council's Code of Conduct in respect of application 12/0953 (Irthing Centre, Union Lane, Brampton, CA8 1BX). The interest related to the fact that she was a Portfolio Holder and was aware of the plans.

Councillor Mrs Warwick declared an interest in accordance with the Council's Code of Conduct in respect of application 12/0856 (land adjacent to Beech Cottage, Cumwhinton, Carlisle, CA4 8DL). The interest related to the fact that Mr Brian Child was a neighbour.

Councillor Whalen declared an interest in accordance with the Council's Code of Conduct in respect of application 12/0790 (land at Broomfallen Road, Scotby, CA4 8DE). The interest related to the fact that the grandfather of one of the objectors was known to him.

Councillor Whalen declared an interest in accordance with the Council's Code of Conduct in respect of application 12/0953 (Irthing Centre, Union Lane, Brampton, CA8 1BX). The interest related to the fact that he was a Member of Cumbria County Council.

DC.24/13 MINUTES OF PREVIOUS MEETINGS

The minutes of the meetings held on 12 December 2012, 14 December 2012, 23 January 2013 and 25 January 2013 were signed by the Chairman as a correct record of the meetings.

The minutes of the site visit held on 6 March 2013 were noted.

DC.25/13 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.26/13 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.

It was agreed that the following two applications, 12/0835 and 12/0836, would be considered together as they related to the same development.

- (1) Change of use of part of a residential property including part demolition and rebuilding, upgrade of the existing swimming pool complex to form a spa facility, licensed cafe and restaurant, along with associated parking and amenity space, Rickerby Cottage, Rickerby Park, Carlisle, CA3 9AA (Application 12/0835)**
- (2) Demolition of redundant store and first floor building (Conservation Area Consent), Rickerby Cottage, Rickerby Park, Carlisle, CA3 9AA (Application 12/0836)**

The Planning Officer submitted the reports on the applications, consideration of which had been deferred at the previous meeting to allow a site visit to be undertaken. The site visit had taken place on 6 March 2013.

The Planning Officer presented slides of the site including the amended plan that showed the changes to the fire escape which had been re-located to the side of the building.

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 the occupiers of 22 neighbouring properties. In response 15 letters of objection (including one from Friends of Rickerby Park), 13 letters of support and 1 comment had been received and the Planning Officer summarised the issues raised therein. The Planning Officer advised that a letter had also been received from the occupier of the adjacent property, Rickerby Lodge, concerned that the new access would be liable to flooding and that could prevent emergency vehicle from accessing the property.

A letter of objection had been received to the further revised plans but the issues were the same as those that had been dealt with in the report. A further letter of support had also been received.

Friends of Rickerby Park had also submitted a further letter of objection as they were concerned about the width of the road through Rickerby Park which was not wide enough to allow 2 lorries/delivery vans to pass forcing them onto the grass verge. There were also concerns about flooding and the width of the cattle grids and bridge that again forced vehicles onto the grass verges. It was suggested that the road could be widened at those points. The letter also queried whether a check had been undertaken on the structure of the bridge.

The Planning Officer informed Members that he had spoken to an Officer in the Highway Authority who had advised that it would be preferable for construction traffic to be routed through the park as the traffic would not be too significant given the scale of the development.

No traffic count had been undertaken but the Officer stated that vehicles were infrequent. Traffic counts at the access based on peak times had been considered and goods vehicles would arrive outside those peak times. Rickerby Bridge had been structurally assessed in 1993 and had passed the loading assessment. There was no weight restriction on the bridge. The bridge was inspected every 6 years and had been inspected after the 2005 floods and no significant issues were found. The Officer advised that if the application was refused on highway grounds alone an appeal would be successful and therefore the County Council would not support any appeal process.

The Planning Officer advised that the issue of maintenance of the road through the park was the responsibility of the City Council and the issue of vehicles driving off the road onto the park was a long standing issue that had been exacerbated by the recent bad weather. It was also not unreasonable to assume that people would not use the facility in times of flooding.

The original application was for a 162 seat restaurant/cafe and 12 camping pods. The revised plans had removed the camping pods and any reference to the number of covers in the restaurant/cafe. The Planning Officer advised that a restaurant/cafe in the location would be acceptable providing it was of an acceptable scale and the opening times were restricted. The numbers would be restricted to 48 covers all of which should be within the building and all customers to leave the premises by 10:00pm. The swimming pool, gym and treatment rooms, with a maximum of 12 customers at any one time, would be open until 9:00pm. Deliveries would be restricted to 9:00am to 5:00pm.

The glazing of the east elevation would be obscured glass to prevent overlooking by Rickerby Lodge and the fire escape had been re-sited and did not provide access to the balcony over the swimming pool. That issue was covered by a new condition.

In all aspects, the proposals were acceptable in principle. The scale and design of the proposals would be acceptable and they would not have an adverse impact on the Rickerby Conservation Area or on the living conditions of the occupiers of any neighbouring properties. The proposed access and parking arrangements would be acceptable and the proposal would not have an unacceptable impact on trees. In all aspects the proposal was compliant with the relevant planning policies contained within the Carlisle District Local Plan 2001-2016. Therefore the Planning Officer recommended that the application be approved.

Mr Taylor (on behalf of Mr Gray – Objector) stated that Mr Gray had concerns regarding the scale of the proposal and the impact in terms of activity, noise and loss of privacy to his property. Of particular concern was the glazed balcony and emergency egress which required careful consideration following the site visit by the Members.

The proposal was a significant commercial proposal in a predominantly residential area, sensitive due to the Conservation Area and the quiet qualities of the area enjoyed by residents and users of the park. The scale of the development was the same as when it was initially proposed. Although the numbers had been reduced the building size remained the same. The site was also located where there were no public transport facilities and traffic levels would inevitably increase as would noise levels. Activity associated with the proposal would be from 6:30 am until 10:30 pm seven days per week. The impact that the proposal could have was evidenced by the fact that 6 conditions were required to minimise potential harm to residents. Mr Gray queried how those conditions could be policed and was concerned that would be left up to him, which could have a negative effect on his relationship with his neighbours.

Mr Gray believed that the application required careful consideration particularly with regard to the new access, extensive visibility splays and the loss of trees contrary to the Council's normal practice. He requested the Committee to consider whether the development was of a suitable scale for the location and stated that it would be better in an accessible city centre location in accordance with Local Plan policy EC10.

Mr Price (Agent) believed that the proposed scheme was a unique business opportunity for a food and drink facility as well as a spa and swimming pool for 12 people. A small extension had been added to the front elevation which would be heavily screened by additional landscaping. A balustrade had been provided in accordance with health and safety measures. The fire escape had been re-sited and would be alarmed, and obscure glazing would be installed. The new access would be 250 feet from the existing access which would reduce noise and traffic disturbance.

The proposal was for a viable business which the residents would live in and was controlled by conditions. The application had been carefully considered and all statutory consultees were satisfied with the proposal. The applicants had invested a substantial sum on the proposal which would provide employment both during construction and beyond and would source local produce. The development would provide a tourist attraction and discussions had been held with the Hadrian's Wall Trust and Tourist Information Centres.

The Committee then gave consideration to the application.

A Member stated that he had given great consideration to the application and while he had sympathy with the neighbour, he hoped that the conditions would protect his rights. He believed that the proposal would be an incentive to promote business other than farming in the rural area.

A Member was surprised that the highway Authority had raised no objection to the proposal as it was not clear what the weight threshold of the bridge and the issues regarding the difficult access onto Brampton Road. Access through Linstock would provide a wider road and a roundabout would make access easier. Access through Linstock would also reduce the potential damage to the grass verges in the park.

With regard to the Conservation Area the Member was concerned that plastic window frames had been installed, a wall had been repaired with breeze blocks and the buttress was in a poor state of repair. The Member requested that conditions could be imposed to ensure that the wall would be repaired and made safe, if the application was approved.

The Planning Officer explained that a condition could be imposed to ensure traffic was routed through Linstock if that was what Members required. With regard to the wall, the Planning Officer confirmed that he could discuss the matter with the applicant although it was not directly related to the applicant.

The Planning Manager explained that as the building was not a Listed Building, and that there was no Article 4 Direction removing permitted development rights, there was little that the Council could do in respect of the plastic window frames.

A Member was concerned about the weight limit of the bridge and the potential damage to the park. The Member requested that, if the wall was taken down, the materials should be re-used in the new wall to be constructed. The Planning Officer confirmed that could be included in a condition. The bridge had been tested in 2005 and was deemed to be sound and in a good state of repair and no weight restriction was required.

It was moved and seconded that the application be approved.

RESOLVED – That permission be granted subject to the conditions indicated in the Schedule of Decisions attached to these Minutes.

(3) Residential Development (Outline), Land at Hadrian's Camp, Houghton Road, Houghton, Carlisle, Cumbria, CA3 0LG (Application 12/0610)

The Principal Planning Officer submitted the report on the application which had been the subject of a site visit on 6 March 2013, and outlined for Members the proposal and site details, together with the main issues for consideration.

The Principal Planning Officer advised that the applications had been advertised by means of site and press notices as well as the direct notification of the occupiers of 65 neighbouring properties. The application had also been advertised as departure from the Local Plan. In response the Council had received correspondence from 3 individuals commenting on the proposal, 42 formal objections (inclusive of Rory Stewart MP and Councillor Bainbridge), and 3 letters/e-mails of support. The Principal Planning Officer summarised the issues raised therein.

The Principal Planning Officer advised Members that the current application site was not within the settlement boundary of Houghton and the latest figures indicated that there was a six year supply of deliverable sites. Conversely, the site represented a logical extension of Houghton which was a Local Service Centre, and involved the re-development of brownfield land. The Strategic Housing Land Availability Assessment (SHLAA), whilst not allocating land, identified that the site would be deliverable, although likely to be at the latter end of the five year period. Considering the existing size and role of Houghton as a Local Service Centre, together with its relationship to Carlisle, the scale of development proposed, ie a 20% increase in dwellings, was considered proportional.

The application site was considered to be sustainable in terms of its location, and the proposed development would be capable of contributing to the ongoing sustainability of the area.

In the case of education, The County Council was requiring the developer to make a payment of up to £204,867 to provide the required additional school places or, that option failing, a financial contribution of £199,500, inclusive of an administration fee, for the transportation of the 17 pupil yield. The City Council's Open Spaces Manager had not raised any objections although that was on the proviso that subsequent maintenance of open space etc was undertaken by a management company.

The Principal Planning Officer made Members aware that the applicant had agreed to the setting up of a management company for the maintenance of the open space to be included within the proposed Section 106 Agreement. The applicant had also agreed to the provision of waste bins to serve the proposed units to also be the subject of a condition.

The Principal Planning Officer explained that in this case there was no evidence that facilities would be overwhelmed and/or there was an overall lack of community spirit. Furthermore, there was no reason to believe that residents would cause, or make worse, any social discord. Concerns relating to construction noise and the hours of construction could be addressed through the imposition of relevant conditions. The County Highways Authority were aware that there remained matters to be addressed for future reserved

matters applications, but was satisfied from the information provided that there was nothing to sustain a refusal on highways/traffic grounds for the development.

The Principal Planning Officer reminded Members that during the site visit Members indicated that it would be useful to see a plan showing the nature and extent of contamination on the site. The Principal Planning Officer presented slides that showed the results of investigations taken on the site and indicated areas where there was evidence of asbestos and “ashy made ground”.

The Principal Planning Officer presented further slides that indicated the amendments to conditions 4, 16, 19 and 22.

The application had been advertised as a departure from the Local Plan, the period for which expired on 22 March 2013.

Based on the submitted information, the proposal was not considered to be detrimental to the landscape and visual character of the area sufficient to merit the refusal of permission, and would assist in delivering and meeting the recognised needs for the provision of affordable housing. Those matters relating to contamination and the potential risk of flooding from the site to third party land could be addressed through the imposition of relevant conditions.

On balance, having weighed up the arguments for and against the proposal, it was concluded that any harm was outweighed by the benefits. Therefore the Principal Planning Officer recommended authority to issue approval of the application subject to the expiration of the publicity period; imposition of relevant conditions as amended; completion of a S.106 Agreement covering the establishment of a management company, the implementation of a travel plan incorporating payment of a bond, the payment to the County Council of the stated sum to provide the additional school places or (that option failing) a contribution towards transportation, the provision of affordable housing in accordance with policy H5 of the Local Plan and payment of £65,000 for off site mitigation and enhancement regarding any impacts on the County Wildlife Site.

Councillor Bainbridge (Ward Councillor) stated that Houghton was the largest settlement in the Stanwix Rural Ward and had doubled in size over the past 20 years. The application proposed a further 20% on the village. The outline nature of the application was a concern as residents were never sure what would actually be developed and were concerned that the development would bring the village closer to being consumed by Carlisle. Councillor Bainbridge believed that Houghton was a village of retired residents and people who commuted to work; the Highways Authority had not commented on the potential additional commuting which could put extra pressure onto Houghton Road and the junctions would need to be given careful thought.

The report stated that the application was not within the boundary of the village and the Council had a 6 year supply of housing. Given that the timeframe for development was 5 years hence, there was no pressing deadline for decision therefore consideration of the application should be delayed to ensure the details were right.

Councillor Bainbridge stated that very few of the developments in Houghton over the last 40 years had added any development merit and he believed that the proposed development would be the same. The Councillor added that he would prefer the green spaces to be managed by the City Council rather than a management company.

With regard to education, Councillor Bainbridge advised that if the application was approved there was the risk that children would need to be bussed to schools outside the village as the local school was at capacity. The Councillor reminded Members that the proposed school at Crindledyke would not be a panacea as it would be required to serve a development 1½ times the size of Houghton.

In conclusion Councillor Bainbridge urged Members, if the land was to be developed, to take time and get the application right. The village had 2 shops, an active village hall and services by 2 bus companies including a service to Asda, which was better for older people. The Councillor therefore requested that the application be refused.

Mr Nicholson (Objector – Parish Council) stated that Policy LE3 of the Local Plan stressed the importance of County Wildlife Sites, one of which contributed to the character of Houghton and complemented the neighbouring Gosling Sike wetlands. The proposal would significantly prejudice the character of those local landscapes and impede the integration of the Gosling Sike wetland habitat into the wider ecosystem.

The report that the site was outside the boundary of Houghton, that there was a 6 year supply of deliverable sites and, if permitted, the proposed development would be unlikely to be deliverable before the latter end of a 5 year period. Mr Nicholson also pointed out that the applicant was the landowner and not the developer.

Mr Nicholson referred to the over-subscribed schools and stated that the proposed development would ultimately require the bussing in of 17 primary school children. The Travel Plan Framework was considered to be unacceptable, lacked any clear objectives, targets or actions specific to the proposal.

Asbestos and heavy metal had been recovered from test pits, one of which was 50 feet from a neighbouring, residential property. The Council's Contaminated Land Strategy suggested several ways of remediating contaminated land but they were not always the optimum solution for a contaminated site.

It had been suggested that the significant negative impacts of the application could be addressed by the imposition of conditions and a Section 106 Agreement. Mr Nicholson believed that any conditions made in respect of the application could at some future date be varied by pleading the case of economic viability.

If the application was approved, Mr Nicholson believed there would be significant damage to a valuable wildlife site, require 17 children to be bussed to other schools across the city and approve the disturbance of unknown levels of hazardous contaminant. Approval could also set a precedent for further applications to develop the remainder of the site.

Mr Taylor (Agent) reminded Members that the report was full and comprehensive and gave clear conclusions on the proposal. Representations had been made regarding Local Plan policy but it was important to note that when the application was submitted the Local Plan adopted a different approach to housing based on the then housing targets which had been replaced by Regional Spatial Strategy that set a target of 450 unites per year.

The National Planning Policy Framework sought to significantly boost the supply of housing. The Council had recently considered their housing supply position and adopted

an Interim Housing Policy. The application had been produced partly as a response to that policy statement but mainly in response to the National Planning Policy Framework.

Mr Taylor stated that the applications were submitted in the period when the Interim Policy would be treated as a material consideration. Reference was made in the report that the Council now had a 6 year supply of housing. However, housing targets had never been intended to be a ceiling and the report also noted the benefits of having a decent buffer of housing supply. The application site was identified in the Council's Strategic Housing Land Availability Assessment (SHLAA) as being deliverable. It was also noted that the site was a brownfield site which the National Planning Policy Framework aimed to make use of.

The site adjoined the existing Settlement Boundary and was well related to the built form of the existing settlement. It was well contained by both existing development and mature landscape material. All of the technical reports accompanying the application had failed to identify any specific material considerations that would suggest that permission should not be forthcoming.

With regard to the comments made by the Parish Councillor, Mr Taylor confirmed that with regard to the removal of contaminants, there were protocols that would need to be followed and procedures would be complied with. With regard to wildlife ecological reports had been submitted and there were no significant birds or animals on the site. Measures would be put in place to monitor that position and the landowner had confirmed that there would be development of further open space within the landscape.

Therefore Mr Taylor requested that the application be approved.

The Committee then gave consideration to the application.

A Member believed that the application was an interesting and exciting project and had no objection to some development on the land. However the Member was concerned that there was not enough information on the environmental impact and one should have been undertaken. There should also be an assessment of the disposal of the asbestos and heavy metal on the land and the potential run off of water into the beck. There should be an assurance that the removal would be monitored and if any contamination remained that there was no run-off into the beck.

The Member believed that the opportunity should be taken to develop the application to incorporate green spaces for the future and requested that, if the application was approved, there be some discussion with the developer to overcome the concerns from the Wildlife Trust and that an environmental study be undertaken.

The Principal Planning Officer drew attention to the Supplementary Schedule that included conditions relating to a number of issues including the ecology of the site. Prior to submission of the application, the applicant had requested a "Screening Opinion" in response to which the Council had confirmed that an EIA was not required but highlighted issues to be addressed.

With regard to the nature of proposed properties, the Principal Planning Officer reminded Members that the application was an outline application concerning the principle of residential development and details would be considered in further applications.

The Principal Planning Officer repeated the revised conditions and circulated copies for clarity. The conditions covered the provision of bins, a surface water drainage scheme in relation to neighbouring properties to ensure neighbouring properties would not flood as a result and the issues around contamination on the site. The Principal Planning Officer advised that the Council's Environmental Services had confirmed that the issues would be monitored and that all concerns had been addressed.

With regard to education, the Principal Planning Officer explained that the County Council would be involved in the preparation of the Section 106 Agreement and that the preferred option would be an extension to the school via contributions.

A Member was concerned about how the removal of the contaminants would be monitored and stated that he did not believe that the conditions were strong enough.

The Member requested that some social rented properties be included within the development as well as affordable housing.

A Member requested confirmation that the involvement of registered social housing providers be pursued as many people could not afford to buy properties.

The Principal Planning Officer advised that the standard paragraphs in the legal agreement would cover those issues.

With regard to the original comments of Cumbria Wildlife Trust, alternative solutions had been suggested by the independent ecological consultant acting on behalf of the City Council including the enhancement of Gosling Sike. The CWT considered that such an option would be an excellent proposition.

A Member reiterated the concerns regarding the removal of the contaminants and stated that, in his opinion, the site would be safer if the contaminants were removed.

With regard to education the Member was concerned that children would need to be bussed to other schools which he believed would prevent the village from progressing. He added that work should be undertaken with other Councillors, including those on the County Council, to ensure children in rural areas were taught in rural areas.

A Member believed that the development would bring in a big influx of families that could help the existing facilities such as the Post Office, but the bussing of children to other schools reduced those links.

A Member, also concerned about the education issues, queried whether the Section 106 Agreement would be paid at the start of the development to ensure the local school was extended. The Member also believed that there would be more than the 17 children quoted within the report.

The Principal Planning Officer advised that discussions could be held with the developer regarding the legal agreement and that it could be front loaded with regard to the education issues. With regard to the number of children, the Principal Planning Officer advised that the County Council worked out the figure from a formula and that the figure referred to primary school provision.

It was moved and seconded, on condition that the payment in respect of education was front loaded, to approve the application.

RESOLVED – That authority to issue approval be granted to the Director of Economic Development subject to the expiration of the publicity period, the imposition of the conditions as modified and the completion of a Section 106 Agreement as indicated in the Schedule of Decisions attached to these Minutes.

The meeting was adjourned between 11:15 and 11:25 for the comfort of Members and Officers.

(4) Erection of 45no dwellings , associated open space and infrastructure, land to the rear of Scotby Green Steading, Scotby, Carlisle (Application 12/0710)

The Planning Officer submitted the report on the application, which had been the subject of a site visit on 6 March 2013 and outlined for Members a summary of 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 58 neighbouring properties. In response 13 letters/e-mails of objection and 3 letters/e-mails of comment had been received and the Planning Officer summarised the main issues raised therein. Since the report had been prepared 1 additional letter had been received that indicated that there were no recycling facilities at Scotby Village Hall. Waste Services had since clarified that there were recycling facilities at the school and the Tannery which could be used by the occupants of the proposed development.

The Planning Officer informed Members that the proposal was in accordance with the principles of the National Planning Policy Framework as the application site was located in a sustainable location close to the centre of Scotby, public transport links and the city of Carlisle. Scotby village had a range of services and the proposal would create an opportunity to support those existing rural facilities. The site was well contained as it was bounded by residential dwellings to the east and west together with the Carlisle-Newcastle railway line to the north. In such circumstances it was considered that the proposal would not result in a prominent intrusion into the countryside nor would it result in settlements merging. In such circumstances the principle of additional housing in the location was deemed acceptable and was in accordance with the objectives of the Council's Interim Housing Statement and the National Planning Policy Framework.

The scale, layout and design of the development was acceptable and it was considered that the development would not have a significant impact upon landscape character of the area, the living conditions of existing and future occupiers, crime or the loss of the best and more versatile agricultural land.

The Planning Officer presented slides of the plans of the proposal and advised that the open space would be retained adjacent to the beck which would be maintained by a management committee which would be made up of residents which would occupy the proposed properties and would be responsible for maintaining the space. If Members were minded to approve the application, the maintenance of open space would be ensured through a Section 106 Agreement which would be enforceable.

The Planning Officer advised that 7 of the proposed properties would have direct access off the Wetheral/.Scotby Road and the Planning Officer confirmed that a plan had been

submitted by the agent illustrating the gradients of the driveways. The Highway Authority had confirmed that the gradient of the accesses would be well within the 1 in 12 Disability Discrimination Act maximum gradient and with the Design Guide on 1 in 10. The accesses, as well as the main site access, were also within the new 30mph speed limit area. At the request of the highway Authority there would also be an off-site footpath which would link the application site to the T-junction in Scotby.

Further plans showed a cross section through the site and trees and hedgerows that would be removed to facilitate the development. It was proposed that there would be substantial new planting that would mitigate for the loss of the trees/hedgerows which were to be removed.

On the site visit Members had raised concerns regarding how the off-site footpath would be achieved. The Planning Officer explained that the Highways Authority had requested a public footpath on the northern side of the road to link the development into the village and because the existing footpath on the other side of the road was substandard as it did not meet the minimum width of 1.2 metres. The new footpath would be within the existing highway corridor and would be dealt with by the Highways Authority under a relevant Section 278 Agreement.

A plan showed that the majority of the footpath would be 1.5m in width although some parts would be reduced to 1.35m and would result in the current road width at that part being reduced to 5m. On the site visit Members were concerned about the reduction on width of the highway at that point and the Highway Authority had advised that some parts of that road were already 5m in width and that there was sufficient width for 2 vehicles to pass. The Highways Authority had also confirmed that reducing that section of the road to 5m would not affect visibility and the proposed footway would be suitable for the use of motorised scooters, double prams, etc.

The Planning Officer advised that the application was recommended for approval provided that an additional condition was imposed with the decision Notice to ensure that no dwelling was occupied until the highway improvements had been constructed and completed in accordance with such details that formed part of an agreement with the Local highways Authority under section 278 of the Highways Act 1990.

The level of affordable housing was also considered to be acceptable in the context of viability assessment submitted by the applicant and the advice contained within the National Planning Policy Framework to ensure viability and deliverability. On balance, having regard to the Development Plan and all other material planning considerations, the proposal was considered acceptable.

In conclusion, the Planning Officer requested, if Members were minded to approve the application, that "authority to issue" the approval be given subject to the additional highway condition, the expiry of the site notice advertising the site as a departure from the Local Plan and subject to the Section 106 requirement as outlined within the report.

Mr Morris (Objector) believed that the proposal was not consistent with relevant policies which had been discarded on the basis on the National Planning Policy Framework. The National Planning Policy Framework came into play only if the Council could not demonstrate a 5 year supply of deliverable housing sites. By September 2012 the Council had established that there was an adequate supply for 6 years and therefore the National Planning Policy Framework was no longer valid in that respect. The Planning Officer had

artificially extended the requirements of the National Planning Policy Framework to state that more than a 5 year supply was required; that was wrong.

There was also the assertion that as the application was submitted at the time when the Interim Housing Statement was still valid, it remained a material consideration which was also wrong. The application policies to be considered were those in force when the application was determined.

The Planning Officer had also stated that Members should note that the Interim Planning Statement did not supersede all saved policies in the Local Plan and should be interpreted in conjunction with them. Policy H1 provided that proposals for development must be within settlement boundaries and the proposed application was not. Also Policy DP1 required proposals to be assessed by reference to the need to be in the location specified. Mr Morris did not believe there was a need for additional housing in Scotby, borne out by the number of properties currently on the market, some of which had been on the market for some time. He also believed that there was no need for the developments at Crindledyke and Wigton Road.

Mr Morris reminded Members that the Highway Authority had required the provision of a footpath along the frontage of the site. At the same time concerns had been identified at the prospect of vehicular traffic along the Scotby/Wetheral Road being impeded by cars parked along that frontage as vehicles would be able to park off the main carriageway ie on the pavement. That would reduce the safe passage along the footpath. Mr Morris referred to statements made by the Planning Minister and urged Members to refuse the application.

Mr Paton (Objector) stated that he lived in a house that would be bounded on one and half sides of his garden by the proposed development.

Mr Paton advised that the report stated that there were recycling facilities at Scotby village hall. He pointed out that there were none in Scotby and that the nearest were at Tesco on Warwick Road.

Mr Paton objected to the proposed development based on the unsuitability of an urban estate type development in a rural area. Carlisle City Council's settlement policy for 1978 described Scotby as being a village and produced a document called Scotby Appraisal in January 1983 the views of which were that the development of the area was aesthetically unacceptable and that criterion was no less valid today. Present policy H1 referred to housing development being mainly in the service centres of Carlisle, Longtown and Brampton but listed other smaller service centres such as Scotby where small scale development would be permitted under a number of conditions.

Two meetings had been held in Scotby village hall late 2012 the second of which was attended by Planning Officers as well as 80 residents who expressed their opposition to the application. Issues such as Scotby school being at capacity, the sewerage system being overloaded and the increase in traffic levels were the main issues raised. The scale of the proposed development risked losing the character of the village and the fact that there were several houses for sale in Scotby at the present time indicated that there was no need for additional houses in the village. Therefore Mr Paton requested that the application be rejected.

Ms Lightfoot (Agent) advised that opposition to new homes was normal in housing development but added that the National Planning Policy Framework looked to significantly improve the supply of housing was also noted as a desire of the Council. The proposal had been designed to be compliant with the National Planning Policy Framework as well as relevant Local Plan policies and the Interim Housing Policy.

Scotby had a good level of services and links to the wider transport network and Carlisle with employment opportunities and higher education. The site was noted as acceptable within the first 5 years of the SHLAA.

The site was well contained by existing features and therefore no further expansion of the site was possible. The existing form of the land and raised land of the railway to the rear screened the development and mitigated its visual impact.

Following submission of the application, the requirement for a new footpath was raised by the Highway Authority, the details of which had been supplied and agreed as acceptable by the Highway Authority and for which works would be carried out under Section 278 of the Highway Act. Information regarding the steepness of the drives had been provided which had also been agreed by the Highway Authority.

The proposals had been the subject of discussion with the Planning Department prior to making the application as it was considered important for design reasons to ensure that dwellings fronted the road and to ensure that the new development was a part of Scotby and did not turn its back on the village. The site was well related to the village and all separation distances had been adhered to. There were no objections in respect of highways, drainage or the ecology of the site and the scheme was considered to be in a sustainable location. The scheme was fully in accordance with the requirements of the National Planning Policy Framework and relevant Local Plan policies. Houses for sale did not reflect a housing need and Members needed to look at the site on its own merits. Therefore Ms Lightfoot hoped that the recommendation of the Planning Officer was endorsed by the Committee.

The Committee then gave consideration to the application.

Members were concerned that the Highway Authority had agreed to the narrowing of the highway to allow a new footpath to be constructed. The properties that would front onto the highway would have no turning area and would be forced to either reverse onto the highway or reverse from the highway onto the drive. By dropping the kerb on the opposite side of the highway would allow cars to park thus further reducing the width of the highway.

A Member advised that no large vehicles could access the area through the bridges and would be forced to use the Scotby/Wetheral Road. The Member queried whether the developer could acquire the scrubland behind the sandstone wall and move the wall to allow a wider footpath.

The Member stated that a contribution from the developer towards could provide additional facilities to the school or transport for children who would need to be bussed to other schools. The contribution could also provide additional teaching staff.

The Member was also concerned that it had been proposed that a management company would have responsibility for the open spaces. In his experience once all the properties had been sold the company ceased to maintain the area.

The Director of Economic Development reminded Members that the Highway Authority had not raised any objection to the proposal and suggested that, in light of Members' views, they could defer consideration of the application to allow independent advice to be obtained.

A Member who was also concerned about the proposed footway and highway issues moved that the application be refused on the grounds of policies CP5(4), CP16 and H1(5). That proposal was seconded.

The Planning Officer explained that the Highway Authority had not stated that parking would be allowed along that part of the highway but acknowledged the concerns raised. The Planning Officer advised that there would be 8 visitor parking spaces within the site and therefore it was unlikely that people would park on the road. If people parked on the pavement that would be against the law and therefore a police matter.

A Member was concerned about the proposed gradients of the drives and believed that unless the gradient was reduced or steps provided to the houses the drives would pose a hazard in bad weather.

A Member agreed with the Director of Economic Development that independent advice should be sought and moved deferment of the application for that purpose.

The Director of Governance advised that, as the Highway Authority had not raised any objection to the highway issues, if Members refused the application on highway grounds, the applicant could refer the application to the Planning Inspector who would look at the highway evidence received and to date there had been no objection. If Members had concerns that had not been adequately addressed the Director suggested that the application should be deferred and independent advice sought which may or may not address the concerns raised.

The Member who had moved that the application be refused acknowledged the Director's comments and agreed, with the agreement of the seconder of the proposal to refuse, to withdraw his proposal.

A Member voiced her concerns about the education issues which were the same as the previous application at Houghton. She believed that discussion should be held with the County Council with regard to rural schools and the need for children to be bussed into the city. The Director of Economic Development confirmed that discussions were ongoing with the County Council about school provision.

A Member stated that there was little point in providing funds to bus children across the city when, if they were ill or in an accident at school, the parents would not be able to get to the school to pick them up.

It was moved and seconded that consideration of the application be deferred to allow an independent highway study to be undertaken.

RESOLVED – That consideration of the application be deferred in order to seek independent highways advice and to await a further report on the application at a future meeting of the Committee.

(5) Erection of 31no dwellings, land at Broomfallen Road, Scotby, CA4 8DE (Application 12/0790)

The Planning Officer submitted the report on the application, which had been the subject of a site visit on 6 March 2013 and outlined for Members a summary of 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 18 neighbouring properties. In response 23 letters of objection had been received and the Planning Officer summarised the main issues raised therein.

The Planning Officer presented slides of the site and advised that the principle of the development had been discussed at length in the report and the issue was identical to that of the previous planning application which Members had just considered. The photographs indicated that the topography of the land was a steep slope from east to west, which was taken into account by the scheme. The scheme proposed 2 storey houses with a group of 6 centrally within the site that would be 3 storey. Trees and the hedgerow would be retained.

The applicant had agreed to pay the required financial contributions requested by the relevant consultees in respect of affordable housing. There were extensive conditions which dealt with surface water drainage, highways issues, protection of trees and hedgerows, boundary treatment and materials.

The Planning Officer informed Members that in overall terms, the principle of the development was acceptable. The dwellings could be accommodated on the site without detriment to the living conditions of the neighbouring properties through loss of light, privacy or over dominance. Adequate amenity space and incurtilage parking provision would be available to serve the dwellings. The new access to be formed and the anticipated level of traffic generated by the proposal would not prejudice highway safety. In all aspects the proposal were considered to be compliant with the objectives of the relevant Local Plan policies. Therefore the Planning Officer recommended that authority to issue approval of the application be granted subject to the expiry of the consultation period advertising the application as a departure from the Local Plan, together with the completion of a Section 106 Agreement and the imposition of conditions as set out within the report.

Mrs Cowgill (Objector) was speaking on behalf of herself and 2 other objectors. She advised that a range of residents had attended a meeting in the village hall and all but 1 had objected to the proposal.

The report referred to the National Planning Policy Framework which favoured sustainable development and concluded that the principle of the development was acceptable. The majority of the material considerations within the report were recognised by the case officer as having some negative impact which, when considered as a whole, compounded to outweigh any benefit. Mrs Cowgill identified those statements and advised that point 6.35 stated that there were existing recycling facilities at Scotby village hall when in fact there were none.

With regard to sustainability, Mrs Cowgill believed that the location was not close to the village centre, there was not regular public transport links and the site was not bounded by residential dwellings but the site neighboured 2 active rural businesses and was actually bounded by 2 bridleways, the county highway and open green fields. The proposed site was outwith the boundary of the Scotby Plan according to the Carlisle District Local Plan and criteria under policy DP1 and H1 remained valid and relevant. However the proposed development failed to meet 5 of the 7 criteria set out for specific rural settlements and she believed that the developer should be advised that no development could be permitted on the site if any of the 7 criteria could not be met. The National Planning Policy Framework was a material consideration but as the Council could identify a 5 year supply of deliverable housing sites, the Local Plan policies were considered to be up to date. Mrs Cowgill stated the relevant policies that she believed were broken by the proposal. The proposal also lacked compliance with the National Planning Policy Framework regarding light pollution, promoting rural businesses and conserving the natural environment. The updated housing statement indicated a 5 year supply of housing with a small surplus; therefore there was no longer a strategic housing need. The development could lead to an absence of demand for the new dwellings linked to the current financial climate that could lead to competition and conflict between the many other developments being approved locally. There would therefore be no guarantee that the new dwellings would be sold.

On behalf of Mr Cowgill, Mrs Cowgill stated that Scotby's facilities and amenities are already full or overloaded. The primary school was running at full capacity and it was not possible for new residents to gain places at the school. The Education Authority had requested a financial contribution to either provide an extension or school transport but other schools were also at capacity and the finance would not provide ongoing resources to fund teachers and support. New children would be of a variety of age groups and an extra classroom would not work for a mix of ages.

With regard to foul and surface water drainage, United Utilities had not yet approved the application. The service system was already overloaded and not up to standard and the development would need to rely on the use of pumps and attenuation tanks to manage drainage issues. 50% of surface water run off would flow into Wash Beck which would flood existing properties. The section of road regularly flooded after heavy rainfall which was further evidence that the sewerage system was overloaded.

The site on Broomfallen Road sat outside the village boundary and the speed limit was frequently exceeded. Access to the site would be on a bend and on a narrow road.

In 2009 15 proposed dwellings were rejected due to highway concerns; the current application was for double that amount and the road infrastructure had not changed.

The design and scale of the proposal was disproportionate to the existing housing stock and not compatible with the rural setting and the existing homes, many of which were bungalows. The addition of 30 dwellings would be a 70% increase in housing stock equivalent to 300 in the city. Mr Cowgill was also concerned about the responses from the Highway Authority, drainage and RSPB and was concerned that the Parish Council and United Utilities still had not responded. Mr Cowgill was concerned that approval of the application would set a precedent for more houses in the already reducing green spaces.

On behalf of Mr Grieve of Broomeden Kennels and Cattery, Mrs Cowgill advised that the business was a longstanding, family run business established in 1964 with the capacity to

house 30 dogs and 40 cats. A new cattery had recently been erected which should allow double the current capacity and Mr Grieve had obtained planning permission to erect 4 detached bungalows on the site.

Mr Grieve advised that there was a constant stream of noise from the kennels and cattery and although there had never been any real issues from the residents he acknowledged that the noise could be annoying. Part of the proposed development was close to the property and the residents would be able to hear the dogs day and night. The busiest period was between March and October when up to 30 dogs could be housed at any one time. Mr Grieve queried what rights he would have as a business in such a situation.

Mr Grieve was concerned about the effect on the animals that the construction traffic may cause. The animals could become distressed and people would stop putting their pets into Mr Grieve's boarding which would jeopardise his livelihood.

There would also be a loss of light and privacy to both the property and those for which planning permission had been granted as any 2 or 3 storey properties would overlook Mr Grieve's properties. When he applied for planning permission Mr Grieve had been advised that bungalows were preferred so they were in keeping with the area. The proposed design was more like town houses and not rural. Scotby was a village and should be treated as such.

At present the woodland area at the bottom of Mr Grieve's property, as well as the surrounding fields and large hedgerows, were currently full of wildlife and the proposed development would have a dramatic effect on that and there had been no biodiversity appraisal report submitted by the developer. Therefore Mr Grieve requested that the application be refused.

Ms MacDonnell queried why so many houses were needed in a village and that the village would lose its character. With the developments at Crindledyke and Morton there would need to be 4200 people to fill the properties. It had been identified that there was more land available than was required and a Council wish for the population of Carlisle to be 119,000 by 2025. That would require an additional 12,000 people in 12 years. At no time in the past had the growth of Carlisle been to that level. Ms MacDonnell believed that such a large scale development would see the village disappear into the urban area and give the green light to other potential developers.

The increase in traffic flow would be substantial with vehicles coming from Cumwhinton along a road with restricted views. Ms MacDonnell believed that there was no requirement for the development.

Mr Wannop (Objector) advised that he was involved with the farm opposite and stated that the right to run a rural business was paramount. The new development would have children and it would be difficult to keep them off the farm which had dangerous machinery as well as cattle. There would also be the issue of moving livestock from one field to another and the continuous movement along the road. The proposal had indicated that the developer was against using gates on the access to the site which would be directly opposite the farm. Water would run off the site into Wash beck which would increase the risk of flooding. There would be a lot of noise and unpleasant smells from the farm which people who were not used to rural areas may not like.

If the application was approved there would be a travesty of justice and Mr Wannop queried why opinions were sought if they were not taken into account. He believed that the Committee should protect the people who already lived and worked in the area and if objections were asked for they should be listened to.

Ms Hardy (Agent) stated that the Planning Officer had recommended that planning permission be granted subject to a vast array of conditions – 21 in total – and the imposition of a Section 106 Agreement with regard to recycling provision, affordable housing, education, commuter transport and waste and recycling.

The recommendation to approve the application had been reached after close examination of the considerations as highlighted in the National Planning Policy Framework and the policies within the Local Plan as well as the Interim Housing Statement. Each of the 15 aspects of the development was acceptable and the site was well centred. There would be no detrimental impact on the living conditions of the residents and there had been no objection from the statutory consultees.

With regard to Wash beck the surface water run-off would be the same as existed and attenuation schemes were common within applications.

The Committee then gave consideration to the application.

A Member was concerned that comments were awaited from the Highway Authority, United Utilities, County Council (footpaths) and the RSPB. The report stated that the development would be visible from the Scotby/Wetheral Road. There would be cattle movements from the farm opposite and although it had been suggested that a gate be installed the Member believed that a cattle grid would be a better option.

Three storey dwellings would not be appropriate for a village and therefore the Member moved that consideration of the application should be referred back to the developer to amend the development to include only 2 storey dwellings and bungalows.

The Planning Officer advised that due to the scale of the proposal the County Council had issued a composite response from the spatial planning team which had been included in the report.

A Member seconded the proposal to defer the application.

A Member believed that as the 3 storey dwellings were in the centre of the development they would be no more noticeable than the others.

A Member believed that the development should be re-examined with regard to new designs and the look at the position of the entrance to the site. The Member proposed that the application be deferred as the proposed development was out of character and there were issues with the access onto the site.

RESOLVED – That consideration of the application be deferred in order to further negotiate the design and vehicle access arrangements for the development and to await a further report on the application at a future meeting of the Committee.

The meeting was adjourned for lunch at 12:45 and resumed at 1:25.

SUSPENSION OF STANDING ORDERS

When the meeting recommenced it was noted that it would soon have 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 limits of 3 hours.

(6) Erection of 38no extra care units with associated ancillary facilities, Irthing Centre, Union Lane, Brampton, CA8 1BX (Application 12/0953)

The Planning Officer submitted the report on the application, which had been the subject of a site visit on 6 March 2013, and 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 the posting of a press and site notice and also the posting of 20 notification letters to neighbouring properties. In response 7 letters of objection and 9 letters of support had been received. The Planning Officer outlined the main issues raised therein.

The Planning Officer presented photographs of the site from various directions. He advised that since preparation of the report 2 further letters of support had been received, including one from Age UK who welcomed the application. There was strong support for the application from the City Council's Housing department and the County Council. The need for the proposal was covered within the report.

The Planning Officer advised that there needed to be around 40 units for the development to be viable and that had been confirmed by the City Council, County Council, other extra care housing providers and potential lenders.

The development would require the removal of 3 protected trees and although there would be a large building on an elevated site with some impact on neighbours, the distances were acceptable. The window to the rear of 4 Manor Gardens had been angled to avoid overlooking and the size of the windows overlooking 5 Manor Gardens had been reduced.

The car parking layout had been changed at the front of the site to move spaces away from the trees.

The Planning Officer informed Members that the proposal was acceptable in principle and there was a clear need for extra care housing in the Brampton area. The scale and design of the proposal would be acceptable and it would not have a significant adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. The proposal would not have an adverse impact on the Brampton Conservation Area or the listed Croft House and it was considered that the benefits of the proposal would outweigh the negative impact of the proposal on the existing trees. In all aspects, the proposal was compliant with the relevant planning policies contained within the Carlisle District Local Plan 2001-2016. Therefore the Planning Officer recommended approval of the application.

Mr Sawyer (Objector) advised that he lived at 4 Manor Gardens the closest house to the proposed development. He was also speaking on behalf of Professor and Mrs Peck of Croft House, Mrs Swinn of 31 Irthing Park and Mr and Mrs Siddle of 1 Manor Gardens. None of the objectors were against the building of extra care units on the site. The

objections were to the plan which had a high number of units, the courtyard layout and roofscape which would have a devastating impact on trees of public importance. The design would also cause significant loss of privacy and amenity for neighbours and degraded living conditions for the prospective occupants. All of the issues could be addressed by re-design.

With regard to privacy the ground floor occupants would be able to look into the bedrooms of the existing buildings due to the different in land levels. The occupants of the new units would also be able to see into the gardens of the existing properties. To the south the windows of flat 20 would be 15m from Mr Sawyer's bedroom window and would loom over the garden at a distance of 8m. There was some intention to restrict the view from the flat and unless it permanently prevented overlooking his privacy would be ruined by the development. The new building would totally block his view of the sky from the only window in the kitchen.

With regard to the trees, Mr Sawyer stated that the mature trees in the grounds of the former Victorian houses around the town centre were of great importance to the special historic character of Brampton Conservation Area as well as being an important amenity to the town outside the Conservation Area. Mr Sawyer requested that, if the application was approved, specific measures be imposed to protect the Scot's pine in the garden of 4 Manor Gardens and not number 5 as indicated in the report. After hearing all of the developer's arguments, the Council's Tree Officer remained adamant that building so close to the trees was wrong. The plan was in breach of Policy CP3 covering adequate space between existing trees and buildings and breached the British Standard on the proximity of structures to trees.

Brampton Parish Council objected to the threat to the trees and opposed the plan. Mr Sawyer believed it was difficult to see how a "Community Trust" could press for such a damaging plan when not only the neighbours, but also the elected representatives opposed it. The trees would also restrict light to the north side of the development. Units in the west block would be heavily shaded as soon as they gain their leaves in the spring and those facing east would have poor daylight and no sunlight beyond noon. Less than one third of the 38 units would enjoy acceptable levels of daylight and sunlight to their homes.

Mr Sawyer was also concerned about the levels of crime and security on the site. There had been a number of incidents recorded by the police and the report recommended the installation of wire-mesh fencing, bright lighting and video surveillance cameras. If the plan was approved, Mr Sawyer requested that the lights were shielded to prevent light pollution of neighbouring properties and that surveillance cameras were incapable of further breaches of privacy.

Mr Sawyer stated that emergency vehicles should be able to get within 45m of a building to fight a fire for example. The west wing units would be more than twice that distance and a fire engine could not reach. That seemed an irresponsible decision to make in accommodation for the elderly and infirm.

With regard to the required number of units, there was nothing in the design statement to justify that figure and their impact on the town and the large bulk on the ridge which fewer units and a change of design could avoid.

The land costs should not be high enough to necessitate such intensive use. The land was publicly owned, there was only the tennis court surface to remove and there was no contamination. There were smaller extra care developments in the County and the Council had identified a need for 55 units in Brampton between now and 2029. If 38 were built now the remaining site would need only 17 units. Therefore the rationale given for such an overcrowded development lacked credibility.

Therefore Mr Sawyer requested that consideration of the application be deferred until the developer produced an amended design. There should be consultation with neighbours and the community and the wishes and privacy of the community respected. More attention should also be paid to the quality of life for potential residents. One solution would be to move the development further east and incorporate or demolish and build over the now disused Business Centre site.

Mr Sawyer explained that his mother in law was reaching an age where her reducing mobility made such accommodation an attractive option. Her reaction to the development, and many others, was that she would not live there.

Mr Godridge (Agent) advised that a special feature of the development was the integrated approach and the access the tenants would have with other users and the desire of the developers to retain the community centre buildings. With regard to the scale of the development officers would need to determine economic viability to meet the community's needs and advice had been taken from experienced providers of other schemes and if sustainable the economy could progress and he queried the viability of a scheme with fewer units. In order to meet planning guidelines many trees would be protected as would the environmental needs of neighbours. At the present time it was appropriate to balance the tree management with the future management of the site which was detailed within the report.

The Committee then gave consideration to the application.

A Member was concerned that having worked in the provision of facilities for disabled and elderly people and care villages he was not against the principle but he did feel that not enough thought had been given with regard to maximising the site. He understood the architects' limitations and other constraints and he believed that 40 units were too many. The use of the whole site with a new community centre added would be more in keeping with the area.

The Member was concerned that there was no access for emergency vehicles to the rear of the property due to the position of the Enterprise Centre. There was a lot of vandalism on the site and Members were advised that the developers wished to keep the Enterprise Centre building for other facilities. Parking was also an issue.

The Member believed that the developer had the opportunity to be imaginative and to clear the site and produce the required amount of capital to build a new development. It would be possible to have a care village and integrate the residents with the town but not with a youth provision. For the reasons stated above the Member moved that the application be refused on the grounds of policy CP5 criteria 1, 2, 3, 4, 5 and 9 and the developer and architects requested to look again at the development to do something with the site as a whole.

The proposal for refusal was seconded. The Member believed that the makeup of the site was wrong for the development and was concerned that emergency vehicles could not get to the site. It was important that Officers spoke to neighbours and to gain some better ideas for the development.

A Member stated that no-one disputed the need for good accommodation but the proposed development did not provide what was required. The Member was concerned about the lack of green area and the lack of access for emergency vehicles.

The Planning Officer advised that the fire issue had been sorted with Building Control and that there would be pumps on site to deal with any fire. Ambulances would be able to park at the front and gain access to residents through the building. The Highway Authority was happy with the parking arrangements and a transport assessment had been submitted which was based on a similar scheme at Kendal.

A Member was in favour of extra care housing but believed that these would be the homes for elderly residents for the rest of their lives and there should be some green spaces. There were 8 flats that were accessed by lifts which could not be used in the event of a fire. The elderly residents would need to use the stairs. The community centre was busy and parking was already difficult in the area and it would, therefore, be difficult for an ambulance to park if required. The Member believed that the proposal should be re-designed.

It had been moved and seconded that the application be refused on the grounds of CP5 criteria 1, 2, 3, 4, 5 and 9 and Policy H2.

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

It was agreed that the following two applications, 12/1040 and 12/1041, would be considered together as they related to the same development.

- (7) Proposed demolition of 16no two storey maisonette flats, redevelopment of the site with 11no houses and bungalows for social rent, 174-204 Borland Avenue, Botcherby, Carlisle, Cumbria, CA1 2TJ (Application 12/1040)**
- (8) Signboard for proposed development, 174-204 Borland Avenue, Botcherby, Carlisle, Cumbria, CA1 2TJ (Application 12/1041)**

The Planning Officer submitted the reports on the applications, which had been the subject of a site visit on 6 March 2013, and outlined for Members the proposal and site details, together with the main issues for consideration.

The applications had been advertised by means of a site notice. In respect of Application 12/1040 1 letter of comment had been received which raised no objection to the proposal but requested that the mature trees on the site were retained and protected. The Ward Councillor had also raised concerns which the Planning Officer summarised. With regard to Application 12/1041 no formal representations had been received. The Ward Councillor had raised concerns in respect of the signage that it was inappropriate within a residential area and would adversely affect the living conditions of the occupiers of the neighbouring properties.

In addition to the report the Housing Authority had confirmed that they had no objection to the proposal including the provision of 2 visitor spaces. The Housing Officer had commented that while there was a need for 1 bedroom properties there was a greater need for 2 bedroom properties and the proposal would meet that need.

The Planning Officer presented slides of the site.

The Planning Officer advised that in overall terms the principle of the development was acceptable within a residential area. Whilst the development would not provide any 1 bedroom housing both the applicant and the Council's Housing Officer had clarified that there was a greater need for 2 and 3 bedroom housing. The development was subject to funding from the Homes and Communities Agency and if there were any concerns from them about the type of development proposed, the appropriate funding would not be forthcoming.

The development would provide adequate in curtilage parking and would provide a greater level of dedicated off-street parking than the existing arrangement. The Highway Authority had clarified the position with regard to the provision of visitor parking spaces.

The scale, layout and design of the proposals were acceptable and had been designed to achieve Level 3 of the Code for Sustainable Homes. There would be better defined spaces to the properties in place of the currently unrestricted open access to the rear of the properties and there would be compartmentalised space that would bring a sense of ownership and natural surveillance. The scheme had been designed to achieve Secured by Design and was supported in the comments received from Cumbria Constabulary.

It was proposed that the provision of affordable housing could be dealt with by means of a planning condition as opposed to a Section 106 Agreement.

In all other aspects the proposal was acceptable subject to the imposition of conditions together with the additional affordable housing condition and was therefore recommended for approval.

With regard to the signboard for the proposed development the Planning Officer advised that amended application forms had been received that sought to display the signage from 11 March 2013, as opposed to the original date of 1 May 2013. Notwithstanding that, consent was sought to display the sign until 1 May 2014.

Councillor Betton (Ward Councillor) stated that he believed that the development was wrong for Botcherby and that 1 bedroom properties should be provided. Riverside had promised to look into the matter and get back to him but had not. He believed that was discrimination against single people. The Councillor questioned the consultation as 2 resident groups had not been consulted. The "bedroom tax" would free up 2 and 3 bedroom properties but there were no 1 bedroom properties available. The current maisonettes were adequate although they were run down and residents had been offered £500 and were to be re-housed.

The Councillor was also not in favour of the lack of on street parking as that was used by people visiting for football and rugby matches. The layout was badly lit and would encourage anti social behaviour. No comments had been received from the Ramblers Association, the green spaces team and the drainage engineer. There was also a risk of flooding on the site.

The Councillor believed that the site would be over-developed and suggested that consideration of the application be deferred until the “bedroom tax” was in place and the impact of it known. Mr Leonard of Riverside Housing had stated that Riverside’s plans were driven by housing policy and the Councillor hoped that it was not based on a financial basis. He believed that the Welfare Reform would make a difference to residents and people were afraid of being put out onto the street; he believed that approximately 1000 residents would be affected. The Councillor asked the Committee to take the comments seriously and to provide 1 bedroom accommodation in the area.

Mr Robinson (Applicant) provided figures of Riverside’s housing stock within the Botcherby Ward and the city areas. There were currently 107 1 bedroom properties managed by registered social landlords within the Botcherby Ward excluding the 16 that were proposed for demolition in Borland Avenue, of which 59 were managed by Riverside. There were currently 1,848 1 bedroom properties within the city area of which 1,564 were owned by Riverside. Currently, 10% of Riverside’s 1 bedroom stock was vacant.

Whilst Riverside recognised the forthcoming changes contained within the Welfare Reform Act, Riverside had a long term business plan which was driven by housing policy and not welfare policy. Riverside’s business plan ensured continuation to provide affordable homes to meet demand over the long term. Riverside had a great deal of experience in providing the right accommodation to meet local social needs and they had consulted with the City Council who had supported the proposal. Information had also been gathered from Riverside’s internal teams who manage the stock to ensure the best mix of accommodation for the site.

The scheme was part funded by the Homes and Communities Agency within their 2011-2015 affordable homes programme and without that funding would not be able to proceed with the scheme. If the proposal was rejected on the basis of housing type mix it would put the redevelopment at risk. Any reworking of the current properties would not be cost effective and the properties as they were would be virtually unlettable.

Riverside had a commitment to provide 89 new homes in Cumbria within the Homes and Communities Agency programme and the 11 properties in the proposed development formed part of that commitment. Riverside believed that given the evidence of demand in the local area and the issues of anti social behaviour, the proposals to replace the 1 bedroom homes on Borland Avenue with family accommodation was the most appropriate way to support the sustainability and ongoing regeneration to the area. To date Riverside had invested approximately £6,000,000 in the Botcherby estate.

The Committee then gave consideration to the application.

A Member believed that if there was a demand for 2 and 3 bedroom properties and not knock down 1 bedroom properties to build them. Other areas of the city had 1 bedroom properties that the residents liked. In Botcherby the situation appeared to be poor management and selection of tenants as there was anti social behaviour. He did not believe that knocking down the 1 bedroom properties and replacing them with 2 and 3 bedroom would resolve the issues.

A Member stated that it did not seem reasonable to knock down the properties to build new ones. If the properties were empty and boarded up they would become derelict. It was impossible to know what would happen over the next 2-3 years or the impact of the

Welfare Reform Act. The Member believed that the new properties should include 1 bedroom.

A Member believed that the scheme was imaginative and had come about as the current maisonettes were unsound and not fit for purpose. A number of residents in similar accommodation in Morton and Botcherby had stated that they did not like maisonettes due to the noise from other residents.

With regard to the “bedroom tax” whilst there were concerns they were not planning issues.

The Member stated that the maisonettes were not fit for purpose and Riverside were aware of what was required from the waiting lists and that 2 and 3 bedroom properties were wanted. The Member welcomed the addition of the bungalows and congratulated Riverside for the work done in Botcherby which had improved since they had taken over responsibility and the residents were a lot happier.

The Member moved approval of the application.

A Member seconded the proposal to approve the application and stated that, as the Ward Councillor, he had seen the work and regeneration carried out by Riverside and the improved quality of life of the residents.

In response to a query the Planning Officer advised that the houses would be separated from the existing houses by bungalows on either side of the site.

A Member stated that he agreed with the Ward Councillor and that there was no indication of 1 bedroom properties to be provided. He believed that in the future people could be excluded from their houses as a result of the “bedroom tax” and would require 1 bedroom properties.

A Member who worked with Age UK, volunteers and the elderly stated that a lot of volunteers who were not working were concerned about the effects of the Welfare Reform Act. She was aware that people could bid for properties on Riverside’s website but a lot of people wanted 1 bedroom properties and did not feel they would be able to have one. The Member agreed that the maisonettes needed to be demolished but believed that 1 bedroom properties could have been included in the re-development plans.

The Director of Governance reminded Members that they had to make a decision on the application before them as to whether the development was acceptable or not.

It had been moved and seconded that the applications be approved.

Following a vote it was:

RESOLVED – That permission be granted subject to the conditions indicated in the Schedule of Decisions attached to these Minutes.

Councillors McDevitt and Whalen wished it minuted that they had voted against the proposal.

(9) Demolition of former St Edmunds Social Centre and redevelopment of site with 14no dwellings and associated parking, St Edmunds social Centre, Newlathes Avenue, Morton, Carlisle (Application 12/0900)

The Planning Officer submitted the report on the application which had been the subject of a site visit on 6 March 2013, outlined for Members 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 the occupiers of 15 neighbouring properties. In response a petition had been received regarding the creation of an access onto Levens Drive which had been signed by 36 people. The Highway Authority had stated that the proposed access was acceptable and that the bus stop would remain in its current location.

The Planning Officer presented slides of the site that showed the proposed access and the site from various locations.

With regard to affordable housing the Planning Officer advised that the applicant had submitted a viability appraisal and had concluded that they could not afford to make an affordable housing contribution; policy advised that there should be 4 units available for discounted sale. The Planning Officer had requested consultants to look at the report and they had concluded that the developers could afford to provide 2 affordable units, either at discounted sale or discounted rent, or to provide 1 unit that would be sold to a Housing Association. The applicants still claimed that the scheme would not be viable if they had to provide 2 units.

Following the site visit, Members had raised concerns about the level of visitor parking within the development and also raised a local issue about the current and future condition of grass verges especially if visitor parking increased in the area. The developer had considered the issue and proposed to provide 4 car parking spaces in lay-bys on Newlathes Avenue to deal with the issue.

In light of ongoing discussions regarding affordable housing it was unlikely that the developer would provide affordable housing and the new parking bays. Whilst the recommendation to Members was to approve the development of the site the Planning Officer requested Members to consider whether the solution to a local issue was sufficient to outweigh any or some contribution to affordable housing.

The applicant had provided details of hard and soft landscaping, boundary treatment, drainage, construction details of proposed access and parking areas and the Planning Officer advised that the conditions would be updated to reflect those details. A further condition would need to be included to ensure lay-bys were put in place prior to the occupation of the dwellings should Members decide on that course of action.

In overall terms, the proposal was acceptable in principle. The scale and design of the proposal would be acceptable and it 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. The proposed access and parking would be acceptable.

The Planning Officer recommended approval of the application but requested Members' views on the provision of affordable housing and the creation of parking spaces.

The Committee then gave consideration to the application.

A Member stated that where the lamp post was located there would be spare cable to enable the lamp post to be moved back to allow a further lay-by to be constructed. There was currently insufficient parking on Levens Drive and he stated that he would prefer lay-bys on the front of the site and the grass verges removed.

A Member had sympathy with the parking issues but did not believe that there would be only 1 car per property and did not believe that parking bays should be provided on the outside of the site as people preferred to park as close their property as possible and would make the development safer in highway terms. If affordable housing was to be included alternative parking arrangements would be preferred.

A Member questioned whether there would be access available at the top of the site. The Planning Officer advised that the existing access would not be used as the road was owned by Riverside and not part of the highway.

A Member moved that consideration of the application should be deferred to allow further discussion of the issue of affordable housing.

The Planning Manager advised that the matter was a local issue and discussion had taken place with the applicant and a Section 106 Agreement would cover the issue of affordable housing. With regard to parking the Planning Manager reminded Members that if there was any variation in the application with regard to affordable housing it would be referred back to Members for consideration and the issue around parking could be included in the revised application. The Planning Manager explained that no work had been undertaken on determining the costs of an additional lay-by but the main issue that required clarity was affordable housing.

It was moved and seconded that consideration of the application be deferred to allow further discussion with the applicant regarding affordable housing.

RESOLVED – That consideration of the application be deferred in order for further discussions to take place with the developer about the provision of parking lay-bys on Newlaithes Avenue, tarmacing over the existing grass verge on Levens Drive and the possible provision of affordable housing and to await a further report on the application at a future meeting of the Committee.

(10) Erection of 15no dwellings including 3no affordable bungalows and 1no dwelling for the elderly, land adjacent to Beech Cottage, Cumwhinton, Carlisle, CA4 8DL (Application 12/0856)

The Planning Officer submitted the report on the application, which had been the subject of a site visit on 6 March 2013, and outlined for Members the background to the application, the proposal and site details, together with the main issues for consideration. She reminded Members that the site had previously been granted outline planning permission for the erection of 14 dwellings designated as affordable homes or homes for the elderly. The current application sought full planning permission for 15 open market dwellings of which 3 would be affordable and 1 dwelling specifically designated for the elderly.

The application had been advertised by the display of site and press notices as well as notification letters sent to 31 neighbouring properties. In response 11 letters of objection and 2 letters of comment had been received. The Planning Officer summarised the main issues raised therein.

The Planning Officer presented slides of the block plans showing the location of bungalows in relation to Beech Cottage and other properties.

In overall terms, the principle of the development was acceptable. The dwellings could be accommodated on the site without detriment to the living conditions of the neighbouring properties through loss of light, privacy or over-dominance. Adequate amenity space and incurtilage parking provision would be available to serve the dwellings. The new access to be formed and the anticipated level of traffic generated by the proposal would not prejudice highway safety. In all aspects the proposals were considered to be compliant with the objectives of the National Planning Policy Framework and relevant Local Plan policies. Therefore the Planning Officer requested, if Members were minded to approve the application, that "authority to issue" the approval be given subject to the completion of a S106 Agreement to secure the provision of 3 affordable dwellings and financial contributions towards education and play provision.

The Committee then gave consideration to the application.

A Member requested confirmation that the property designated for the elderly would remain so in perpetuity. The Planning Officer confirmed that would be addressed by the imposition of a condition.

RESOLVED – Authority to issue approval to the Director of Economic Development to issue approval for the proposal subject to the completion of a Section 106 Agreement as set out within the report.

(11) Conversion of garage and loft storage to dwelling and garage, land to the rear 10 Longtown Road, Brampton, CA8 1SJ (Application 12/0447)

The Planning Officer submitted the report on the application and outlined for Members the proposal and site details, together with the main issues for consideration. The Conservation Area Committee originally objected to the proposal. However amended planes were subsequently received altering the front elevation. Whilst the views of the Conservation Area Committee were appreciated the surrounding new build dwellings all featured upvc windows and doors and it would not be justified in requesting wood as part of the application. The Council's Heritage Officer had raised no objections.

The application had been advertised by means of site and press notices as well as notification letters sent to the occupiers of 10 neighbouring properties. No verbal or written representations had been made during the consultation period.

The Planning Officer advised that, in overall terms the principle of the proposed development was acceptable. The proposed dwelling could be accommodated on the site without detriment to the living conditions of the neighbouring properties or the character/setting of the Brampton Conservation Area. In all aspects the proposal was compliant with the objectives of the Carlisle District Local Plan 2001-2016. Therefore the Planning Officer recommended approval of the application.

The Committee then gave consideration to the application.

It was moved and seconded that the application be approved.

RESOLVED – That permission be granted subject to the conditions indicated in the Schedule of Decisions attached to these Minutes.

(12) Change of use of land to permit the storage of 20 touring caravans, Greenfield Farm, The Green, Houghton, Carlisle, CA3 0LP (Application 12/0845)

The Planning Officer submitted the report on the application and outlined for Members 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 the occupiers of 7 neighbouring properties. In response 3 letters of objection had been received along with 5 standard letters which had been signed by different individuals, as well as a representation from the Ward Councillors and Parish Council. The Planning Officer summarised the main issues raised therein.

Since preparation of the report an additional letter had been received from the applicant's agent that addressed the neighbours' reasons for objection. The Planning Officer read the letter for Members' information.

The Planning Officer presented a video of the site.

The Planning Officer advised that overall it was considered that the proposed caravan storage site would not appear intrinsically out of place or scale in the surrounding landscape. The proposed site was located to the rear of the existing properties and associated outbuildings, approximately 55 metres to the rear of the nearest properties on The Green. The highway Authority had raised no objections to the proposal. In such circumstances, it was considered that the proposal would not cause unacceptable harm to the living conditions of neighbouring residents. On that basis the proposal was recommended for approval.

Councillor Bainbridge (Ward Councillor) requested that consideration of the application be deferred to allow a site visit to be undertaken. The access to the site from Houghton Road travels past homes and the well used village green. The vehicles would be wide and as the road was narrow there would be issues with vehicles trying to pass. Residents were concerned about the maintenance of the village green and the Ward Councillor was concerned about the issues raised in the verbal update.

The Committee then gave consideration to the application.

It was moved and seconded that a site visit be undertaken and Members requested that a representative from the Highway Authority be invited to attend.

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

The Chairman advised those who had registered a right to speak that they could speak at the current meeting or defer that right to a future meeting when the application would be considered. All agreed to defer their right to speak to a future meeting.

(13) Erection of 1no dwelling (Outline Application) (Revised Application), Part of OS field No 0770, Castle Carrock, Cumbria (Application 13/0034)

Due to the nature of the application the Planning Manager suggested that a site visit be undertaken.

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

(14) Erection of 4no detached dwellings and 1no bungalow (Outline Application), land to the rear of Park House, Parkett Hill, Scotby, Carlisle, CA4 8BZ (Application 12/0970)

A Member moved that a site visit be undertaken due to the number of proposed dwellings in small area and the potential issues with the access to the site.

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

(15) Erection of 1no dwelling, land adjacent North End, Burgh by Sands, Carlisle, CA5 6BD (Application 12/1014)

The Planning Officer submitted the report on the application and outlined for Members the proposal and site details, together with the main issues for consideration. The Planning Officer reminded Members that an application had been refused previously as the site was outside the village boundary. However, the National Planning Policy Framework did not make reference to settlement boundaries and took a more flexible approach, looking instead at how well related a site was to the village and any existing services. As such Officers had taken the view that the proposal was well related to the village and the principle was acceptable.

The application had been advertised by means of site and press notices as well as notification letters sent to the occupiers of 2 neighbouring properties. In response 2 letters of objection had been received, and the Planning Officer summarised the main issues raised therein. Since preparation of the report a further e-mail had been received from the Solway Coast AONB raising no objections to the scheme.

The Planning Officer presented photographs of the site.

The Planning Officer advised that in overall terms the principle of the proposed development was acceptable. The proposed dwelling could be accommodated on the site without detriment to the living conditions of the neighbouring properties or the character/setting of the Burgh by Sands Conservation Area or the Solway Coast AONB. It was considered that the application accorded with the Burgh by Sands Parish Plan as it was a 2 storey dwelling and the materials, which were clay red facing bricks, blue/black tiles and wooden windows and doors were considered to be in keeping with the area. However, a condition requiring the applicant to submit details of materials had been included to ensure that they were of the highest quality possible. Therefore the Planning Officer recommended that the application be approved.

The Committee then gave consideration to the application.

A Member stated that he was concerned that the application may not abide by the contents of the Parish Plan and the Council, Planning Department and parish Council had worked hard on creating the Parish Plan. The Member queried how the application had changed since it was refused in 2010.

The Planning Officer advised that until the introduction of the National Planning Policy Framework Policy H1 would have supported the application but now did not in respect of the boundary policies.

The Planning Manager explained that the Parish Plan did not redefine the Local Plan but worked with it with regard to the design and materials for new buildings and looked at the relation to houses next to the site. There were no issues with regard to those matters in relation to the current application.

A Member moved approval of the application.

A Member seconded the motion to approve the application.

RESOLVED – That permission be granted subject to the conditions indicated in the Schedule of Decisions attached to these Minutes.

Councillor Bloxham requested that it be minuted that he had voted against the application as he had when it was submitted initially.

(16) Demolition of building and erection of 2no three bedroom dwellings and 1no two bedroom dwelling, The Weary Inn and Restaurant, Castle Carrock, Brampton, CA8 9LU (Application 12/0983)

A Member requested that consideration of the application be deferred as she believed that the development was unsuitable for the area. There were also concerns in respect of drainage and no report from the Council's drainage engineer had been received.

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

(17) Replacement of existing chain link fence with 2.4 metre high concrete panel fence (Retrospective Application), Atchin Tan, Low Harker, Carlisle, CA6 2DD (Application 13/0030)

The Principal Planning Officer submitted the report on the application and 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 in the form of the direct notification of the occupiers of 2 neighbouring properties. In response 9 letters of objection had been received. The Principal Planning Officer summarised the main issues raised therein.

The Principal Planning Officer presented slides of the site and advised that further to the report Members needed to be aware that the agent acting on behalf of the occupiers of the neighbouring property had written to the Council querying where and how the planting

would be implemented. That was on the basis that the planting should not be on their land and, if on the applicant's side of the wall, would take a while to mature.

The objectors' agent had suggested, as an alternative, that a condition be imposed making the applicant raise the neighbours' post and panel fence to a height that screened the wall. In response, it was envisaged that the planting would be on one side and from the applicant's property. It was envisaged that the planting would be in the form of climbers such as ivy and climbing hydrangea. To raise the height of the panel would be tantamount to erecting a new fence with higher piers to accommodate the panels.

The Principal Planning Officer recommended approval of the application.

It was moved and seconded that the application be approved.

RESOLVED – That permission be granted subject to the conditions indicated in the Schedule of Decisions attached to these Minutes.

(18) Extension of existing cycle way (Revised Application), Caldew Bridge and land adjacent Caldew Bridge, Carlisle (Application 12/1052)

The Planning Officer submitted the report on the application and 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 the occupiers of 2 neighbouring properties. In response 1 letter of support had been received which agreed totally with the plans, which would increase safer bicycle/footpath access to parks and many other facilities away from the many busy roads near the Carlisle to Dalston cycleway.

The Planning Officer presented slides of the proposed route for the cycleway which would be funded by money from the Sainsbury application. He explained that the application had been brought before the Committee as the Conservation Area Advisory Committee had raised objections as they considered the ramp to be inelegant and had stated that it was an engineering solution and not a design solution. However, the Council's Heritage Officer was happy with the revised design which was more curved and less angular than the original design.

The Planning Officer advised that it would be necessary to undertake an Assessment of Likely Significant Effects (ALSE) prior to determination and for that reason the Planning Officer recommended that authority to issue approval of the application be granted.

The Committee then gave consideration to the application.

A Member stated that he was pleased to see the application and that, following the recent floods, a better level through the archway was requested. The cycleway would link Dalston, Bitts Park the Sheepmount, the Sands Centre and the learning village. The only road that would need to be crossed would be outside the Youth Hub in Victoria Place.

It was moved and seconded that authority to issue approval be granted.

RESOLVED – That authority to issue approval be granted to the Director of Economic Development subject to no issues being raised by the Assessment of Likely Significant Effects.

It was agreed that the following two applications, 13/0063 and 13/0064, would be considered together as they related to the same development.

(19) Demolition of detached bungalow and erection of a pair of semi detached dwellings, 18 Eden Place, Stanwix, Carlisle, Cumbria, CA3 9JH (Application 13/0063)

(20) Demolition of detached bungalow (Conservation Area Consent), 18 Eden Place, Stanwix, Carlisle, Cumbria, CA3 9JH (Application 13/0064)

The Planning Officer submitted the report on the applications and outlined for Members the background to the applications, 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 the occupiers of 26 neighbouring properties in respect of Application 13/0063 and 25 neighbouring properties in respect of Application 13/0064. In response 1 letter of objection had been received and the Planning Officer summarised the issues raised therein. Since preparation of the report a further letter on objection had been received.

The Planning Officer presented slides of the site and advised that given the existence of the existing dwelling and the 3 dwellings that were approved at appeal, Members were being asked to consider an application for 1 additional dwelling on the site. The properties would be well positioned within the site and would not adversely affect the character of the Conservation Area. The application did not raise any issues with regard to the principle of development, the siting, scale or design. No highway issues had been raised by the Highway Authority.

Members were asked to note that there was a requirement to complete the junction improvement works proper to the commencement of development. There were also conditions that dealt with surface water drainage. The building did not positively contribute to the character of the Conservation Area due to its siting and appearance.

The principle of demolition was acceptable subject to the imposition of a condition that dealt with the management of its removal. In all aspects the proposals were acceptable and the application was recommended for approval.

Mr Hepburn (Objector) had been obliged to leave the meeting but had left his submission which was read to the Committee by the Planning Officer.

Mr Hepburn stated that, on behalf of the neighbourhood, he wished to voice his concerns about the potentially dangerous traffic situation that would be caused by the proposed access arrangements, both during construction and the eventual occupation of the houses. That section of road was the most hazardous between Austin Friars and the top of Stanwix. The Planning Inspector's decision was based on the earlier proposal for 3 new properties and the current proposal would increase the number of new builds to 5 which would mean an increase of 4 parking spaces putting an even greater strain on the highway. The Highway Authority had raised some objections that had resulted in conditions being imposed.

Mr Hepburn believed that the application was garden grabbing and whilst residents would not have been opposed to fewer properties and a realistic attempt to conserve some of the existing environmental qualities, they were against the current scheme.

With regard to the Conservation Area Mr Hepburn stated that the proposal did not enhance the area and was not in keeping with the principles of sympathetic development. A natural breathing space within an urban environment would be replaced with a more or less concreted enclave covered almost entirely with impermeable materials.

There was a concern about the potential for overloading the existing drainage system and while conditions had been imposed on the way the developer was to deal with the problem, it stopped short of insisting that the surface water be dealt with through a separate system. If separation could not be realised, the run-off from the site was likely to place a severe strain on the existing public sewerage system which struggled to cope with existing conditions.

In conclusion Mr Hepburn advised that the eastern boundary wall was in a dangerous condition. At many points along its length there was evidence of potential structural collapse which was a real danger to occupants of several properties. Construction would worsen the situation as would the increased level of traffic once the houses were occupied.

Mr Taylor (Agent) stated that the report was full and comprehensive and clear in its conclusions. Mr Taylor noted that the National Planning Policy Framework sought to boost significantly the supply of housing. Mr Taylor reminded Members that the report referred to the recent Appeal decision in respect of 3 houses on the adjoining site. The issues relevant to the current proposal were virtually identical and the Appeal Decision confirmed the Officer's decision on that occasion and would be a further material consideration.

Mr Hepburn had reiterated many of the points made to the Committee and to the Planning Inspector. They did not influence the outcome of the appeal and should not do so with the application.

The site was within the urban area of Carlisle where, under the terms of Local Plan policy DP1 proposals would be considered favourably provided they were in scale with their location and consistent with other policies of the plan.

The site was in a sustainable location with easy access to the City Centre and to public transport. The site was within a Primary Residential Area under the terms of Policy H2. Those criteria related to issues relating to the protection of open space, the amenity of nearby property, complementing adjacent residential areas and their amenity and providing satisfactory access. The advice from the Officer was that those criteria were satisfied.

In the Appeal case it was established that 4 dwellings were not sufficient of an addition to the existing traffic pattern as to justify refusal. Private shared dwellings were recognised as being appropriate for up to 5 dwellings. Mr Taylor considered that the benefits were significant and that planning permission should be forthcoming.

With regard to the issues raised by Mr Hepburn, Mr Taylor advised that the Inspector had accepted that the open space was part of the river corridor which was a valuable amenity. The Inspector had raised no objection in respect of the traffic issues. With regard to

surface water a condition had been included that had previously been suggested by the inspector and there were no objections from the proper authorities with regard to drainage.

The Committee then gave consideration to the application.

A Member reminded Members that when the Committee considered the previous application that had been approved by the Planning Inspector, there was a request that construction traffic was parked on the site and not on the highway. The Member believed that a similar condition should be imposed on the current application. The Planning Officer clarified that such a condition was not imposed by the Inspector but there was no reason why such a condition could not be imposed.

It was moved and seconded that the application be approved provided a condition was imposed with regard to construction traffic and that Conservation Area consent was obtained.

RESOLVED – That permission be granted subject to the conditions indicated in the Schedule of Decisions attached to these Minutes.

(21) Ground floor side and rear extension to provide replacement kitchen, toilet and living accommodation, 1 Inglewood Road, Carlisle, Cumbria, CA2 6JH (Application 12/1051)

The Planning Officer submitted the report on the application and outlined for Members the proposal and site details, together with the main issues for consideration and advised that the application had been brought before Committee was the applicant's son worked for the City Council. The application had been advertised by means of a site notice as well as notification letters sent to the occupiers of 5 neighbouring properties. No written or verbal representations had been made during the consultation period.

The Planning Officer advised that in overall terms the scale and design of the proposal would be acceptable and it 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 considered to be compliant with the objectives of the relevant adopted Local Plan policies.

It was moved and seconded that the application be approved.

RESOLVED – That permission be granted subject to the conditions indicated in the Schedule of Decisions attached to these Minutes.

(The meeting ended at 3:30pm)