

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 11 MARCH 2011 AT 10.00 AM

PRESENT: Councillor Mrs Parsons (Chairman), Councillors Betton (until 12:25), Bloxham (until 12:15), Cape, M Clarke, Craig (substitute for Councillor Layden), Mrs Farmer, Nedved (substitute for Councillor Morton), Mrs Riddle, Mrs Rutherford and Scarborough

ALSO

PRESENT: Councillor Collier attended the meeting as Ward Councillor having registered a right to speak in respect of applications 10/0736 (Langstile, Burgh-by-Sands, Carlisle, CA5 6BD) and application 10/1143 (Fauld Farm, Burgh-by-Sands, Carlisle, CA5 6AN)
Councillor Ellis attended the meeting as Ward Councillor in respect of application 11/0079 (McDonalds Restaurant, Gearshill Road, Carlisle, CA3 0ET, Carlisle)
Councillor Allison attended part of the meeting as Ward Councillor
Councillor Earp attended part of the meeting as an observer

DC.10/11 APOLOGIES FOR ABSENCE

Apologies for absence were submitted from Councillors Layden, McDevitt and Morton.

DC.11/11 DECLARATIONS OF INTEREST

- Councillor Betton declared a personal and prejudicial interest in accordance with the Council's Code of Conduct in respect of Application 10/1156 – Former Railway Inn, 104 London Road, Carlisle, CA1 2PE. The interest related to the fact that he had requested a right to speak in respect of Applications 10/1150 and 10/1151 linked to the application
- Councillor Mrs Parsons declared a personal and prejudicial interest in accordance with the Council's Code of Conduct in respect of Agenda Item A.2 – Proposed Tree Preservation Order 256 – Woodland adjacent to Clints Road, Great Corby. The interest related to her friendship with Lord and Lady Ballyedmond.

DC.12/11 MINUTES

The Minutes of the meetings held on 15 December 2010, 17 December 2010 and 28 January 2011 were approved and signed.

The Minutes of the site visit meeting held on 9 March 2011 were noted.

DC.13/11 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

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

DC.14/11 CHAIRMAN'S ANNOUNCEMENTS

The Chairman proposed taking Agenda items A.2 (Proposed Tree Preservation Order No 256 – Woodland adjacent Clints Road, Great Corby) and A.3 – Revocation of Tree Preservation Orders (102 – Morton Cottage, Wigton Road, Carlisle and 79 – Lynwood House, Upperby, Carlisle) before the list of applications in order to facilitate the running of the meeting.

The Committee were advised that Councillor McDevitt was recovering well at home following a recent stay in hospital. The Committee agreed that a letter should be sent from the Committee wishing him a speedy recovery.

The Chairman welcomed Andrew Menzies, Planning Assistant, to the meeting.

DC.15/11 PROPOSED TREE PRESERVATION ORDER – 256 – WOODLAND ADJACENT CLINTS ROAD, GREAT CORBY

Councillor Mrs Parsons, having declared a personal interest, left the meeting and took no part in the discussion on the application.

Councillor Bloxham took over as Chairman of the meeting for the item.

The Landscape Architect/Tree Officer submitted report ED.11/11 and reminded Members that a Tree Preservation Order was made on 26 November 2010 to protect an area of woodland in Great Corby. The report considered all the representations made to the Tree Preservation Order and concluded that the Order should be confirmed without modification.

The Landscape Architect/Tree Officer gave the background to the report that stated that on 12 November 2010 a consultation on a Woodland Grant Scheme which included the clear felling of the woodland and replanting was received by the City Council from the Forestry Commission. The application was later amended to selectively thinning the woodland by 50% to 60% and replanting. The area of woodland subject to the application formed part of the registered Common CL180 that was subject to a Scheme of Regulation that vested in the City Council the authority to manage the common for the benefit of the residents and the neighbourhood and stated that the Council may execute any works of drainage, raising, levelling or fencing or other works for the protection and improvement of the commons and should preserve the turf, shrubs, trees, plants and grass thereon.

The Landscape Architect/Tree Officer explained that as the woodland was growing in a public open space it fell outside the scope of the Forestry Act and therefore the remit of the Forestry Commission, who, on advice from DEFRA solicitors were not considering the felling licence application further. As such there was no mechanism

to control the felling, or to ensure the re-stocking of the woodland and consequently the Tree Preservation Order was made. When coming to a decision on whether or not to confirm the Tree Preservation Order, the Landscape Architect/Tree Officer advised Members that they would have to give due consideration to the representations both for and against the Tree Preservation Order and take a view on whether or not it was expedient in the interest of amenity to protect the woodland.

The Landscape Architect/Tree Officer advised that the City Council had received two letters of objection and one representation in support of Tree Preservation Order 256. The Landscape Architect/Tree Officer summarised the objections and the officer's comments in response to the objections raised. He also summarised the representation in favour of the Order.

The Landscape Architect/Tree Officer explained that in accordance with good practice an objective assessment of the woodlands based on expediency and amenity had been undertaken and a score awarded that indicated that the woodland warranted the statutory protections afforded by the Tree Preservation Order.

The Landscape Architect/Tree Officer advised that it had been claimed that the Council's statement of reasons was erroneous in that the felling licence was not to clear fell but thin the woodland, the woodland was exempt from the felling licence regime and there was no protection from felling or mechanism to ensure replanting other than the Tree Preservation Order. However, the statement of reasons accurately reflected the known facts at the time the Tree Preservation Order was made.

A neighbouring landowner objected to the Tree Preservation Order due to the Council's lack of management of the woodland, and expressed the view that the woodland management proposals would be an improvement on the existing situation, and that it would not be expedient to make the Order. Further, the consultation on the Order had not been carried out in a thoughtful and impartial manner.

The City Council's Green Spaces Officers supported the making of the Tree Preservation Order due to the status of the land as a registered common and public open space and in view of the scheme of regulation requiring the Council to preserve the common including the trees for the benefit of the neighbourhood.

The Landscape Architect/Tree Officer advised that the Order would not prevent the owners carrying out good woodland management, albeit an application would have to be made to and approved by the Local Planning Authority.

In conclusion, the Forestry Commission, on the advice of DEFRA had taken the stance that as the common was public open space it was outside their remit, a scheme of regulation existed and the Council should preserve the Common and trees thereon for the benefit of the neighbourhood, no other mechanism existed in respect of controlling woodland management works and to ensure replanting other than the Tree Preservation Order. Therefore the recommendation was that the Tree Preservation Order be confirmed without modification.

The Landscape Architect/Tree Officer advised that one of the objectors, Mr Thomas, who had requested a right to speak, had advised that he would not be able to attend due to a personal appointment. The Committee agreed that information from Mr Thomas could be provided by the Landscape Architect/Tree Officer.

Mr Thomas stated that while he had no objection to the Order in principle, he was concerned that such an order should not be used to prevent appropriate improvements by the owners. He welcomed the original plan and the subsequent plan submitted by the Forestry Commission, but believed that there had been too many unnecessary conflicts in the community over similar issues in the past. Mr Thomas urged Members to act wisely to ensure that the issue was resolved in a way that led to an improved environment in the woodland.

Mr Colville (Objector) had circulated a skeleton argument highlighting his legal submissions. His submission was that the fundamental premise for making the Order was that the land was public open space and, therefore, the Forestry Commission did not have authority to manage it. The land, however, would only be public open space if it had rights of common registered against it. No rights of common had been registered pursuant to the Commons Registration Act 1965 and, thus, those rights of common had been lost. It followed that the land was, therefore, no longer public open space and the Forestry Commission would have power to manage the land. As the landowner had submitted an application for a licence to the Forestry Commission that should be permitted to proceed. A Tree Preservation Order should only be a matter of last resort. In this case, it would not be expedient to make the Order as there was an alternative.

The Legal Services Manager advised that rights of access were not the same as rights of common and explained the difference between the two. In this case, the Scheme of Regulation created a right of access to the common which had not been extinguished by non registration. The objector's argument based on the land not being public space, therefore, could not be upheld.

The Legal Services Manager further advised in relation to the argument that it was not expedient to make the Order when an application had been made to the Forestry Commission. The Forestry Commission had declined to deal with the landowner's application so that was no longer an option. She explained that beneficial management of the woodland was not prohibited by the Tree Preservation Order and that Officers' opinion, therefore, was that it was expedient to confirm the Order on amenity grounds.

The Committee then gave detailed consideration to the application.

A Member asked whether there would be any profit made from the management works. The Landscape Architect/Tree Officer advised that it was debatable whether any profit would outweigh the cost of any work.

In response to a query the Landscape Architect/Tree Officer advised that the Tree Preservation Order would cover the whole woodland including soil, grasses, etc. He added that the Order would not prevent good management of the woodland. The Landscape Architect/Tree Officer further explained that any dead, dying or

dangerous trees would be exempt from the Order and that the woodland had a high ecological value.

It was moved and seconded that the Tree Preservation Order be confirmed without modification.

RESOLVED – That Tree Preservation Order 256 be confirmed without modification.

Councillor Mrs Parsons returned to the meeting and resumed her role as Chair.

**DC.16/11 REVOCATION OF TREE PRESERVATION ORDERS –
NO. 102 – MORTON COTTAGE, WIGTON ROAD, CARLISLE AND
NO.79 – LYNWOOD HOUSE, UPPERBY, CARLISLE**

The Landscape Architect/Tree Officer submitted Report ED.13/11 that considered the reasons for the revocation of Tree Preservation Order Nos. 102 and 79.

The Landscape Architect/Tree Officer advised that Government guidance stated that local planning authorities were advised to keep their Tree Preservation Order records under review and to ensure their Tree Preservation Orders were brought up to date by the use of their powers to vary or revoke the Orders. The Landscape Architect/Tree Officer gave examples of the reasons to vary or revoke Tree Preservation Orders.

A review was currently being carried out by the City Council of all the current Tree Preservation Orders. A file audit revealed that the Local Authority had no evidence that Tree Preservation Orders 80 – the Severals, Scaleby, 94 – Wellgate, Scotby and 183 – Broadwath House, Broadwath were confirmed. Therefore those Tree Preservation Orders may be unenforceable and would not protect the trees as was the intention at the time they were made. Although unconfirmed and unenforceable the Order remained a land charge on the properties where the trees were located and the file remained in the public domain.

The Landscape Architect/Tree Officer advised that Tree Preservation Order 79 – Lynwood House, Upperby was made on 4 September 1989 to protect two Sycamore trees. As no record that the Order had been confirmed was known to exist, the ability of the Council to enforce the Order if necessary would be doubtful. A site visit had been carried out that revealed that both trees remained and, following evaluation, it was determined that although they were in reasonable health and were to some degree visible there was no known or perceived threat to the trees, and in accordance with best practice it would not be expedient to make a new Tree Preservation Order.

The Landscape Architect/Tree Officer advised that Tree Preservation Order 102 – Morton Cottage, Wigton Road was made on 28 February 1989 to protect nine individual trees. A site visit had been carried out that revealed that only six of the original nine protected trees remained and, following evaluation, it was determined that all remaining trees were seen to have significant structural defects or were in a very poor condition. No record existed on file in relation to the removal of the three

trees. The condition of the remaining trees was such that they would fall under the exemptions of dead, dying and dangerous in the relevant legislation and be exempt from the need to apply for consent to fell them. Therefore a new Tree Preservation Order would not be appropriate.

In conclusion, the Landscape Architect/Tree Officer recommended that Tree Preservation Order 79 – Lynwood House, Upperby and 102 – Morton Cottage, Wigton Road, Carlisle be revoked.

RESOLVED: That Tree Preservation Order 79 – Lynwood House, Upperby and 102 – Morton Cottage, Wigton Road, Carlisle be revoked.

DC.17/11 CONTROL OF DEVELOPMENT AND ADVERTISING

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

(1) Erection of a single storey two bedroom dwelling (Outline) (Revised Application), Langstile, Burgh by Sands, Carlisle, CA5 6BD (Application 10/0736)

The Development Control Officer submitted the report on the application and advised Members that the application had been withdrawn from discussion at the request of the applicant before the Development Control Committee meeting in October 2010.

The Development Control Officer advised that Outline Planning Permission was sought for the erection of a dwelling at Langstile, Burgh-by-Sands. The application sought approval for the proposed access and the layout of the dwelling, with other matters (appearance, landscaping and scale) being reserved for subsequent approval.

The Development Control Officer gave a description of Langstile and the location of the proposed property. The Development Control Officer gave the background to the application and advised that the siting of the dwelling would be acceptable and the scale and appearance would be determined at the reserved matters stage. He advised that the proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance and satisfactory living conditions could be provided for the occupiers of both the new and existing dwellings.

The Development Control Officer explained that the previous dwelling was recommended for refusal prior to it being withdrawn and that the applicant had made changes to the plan including reducing the size of the dwelling and increasing the size of the plot resulting in a smaller dwelling and more amenity space.

The Development Control Officer advised that a condition would be imposed with regard to surface water drainage on the site with specific reference to a rain water harvester being installed on the site.

The Development Control Officer explained that the Parish Council and the Solway Coast Area of Outstanding Natural Beauty had objected to the application as they considered it was contrary to the Burgh-by-Sands Design Statement that sought to maintain the linear form of the village with new developments being confined to infill plots. The Development Control Officer advised that the proposal would not increase the linear form of the village as it was an infill plot.

He further advised that the main issue was the impact on the area but he considered that the siting of a traditional single storey dwelling in close proximity to the edge of the road would not be out of character with the area.

The Development Control Officer presented a video of the site showing the neighbouring properties and access to the site.

In all aspects the proposal was considered to be compliant with the objectives of the adopted Local Plan policies. Therefore the Development Control Officer recommended that the application be approved.

Councillor Allison had requested that photographs of the site be presented to the Committee. The photographs showed the site and neighbouring properties

A Member stated that there had been so much information presented that he could not visualise the site and the impact on the area, and therefore proposed that a site visit be undertaken. Members agreed to undertake a site visit.

The Chairman advised those people who had registered a right to speak that they could either speak as arranged or reserve their right to the next meeting when the application would be considered following the site visit. All agreed to reserve their right to speak until the next meeting.

RESOLVED – To defer consideration of the application to enable a site visit be undertaken and a further report be presented to the Committee at a future meeting.

(2) Renewal of unexpired permission of previously approved application 07/1363 for conversion of first and second floor to create four apartments, Former Railway Inn, 104 London Road, Carlisle, CA1 2PE (Application 10/1156)

Councillor Betton declared a personal and prejudicial interest in view of his registered right to speak on the following two related applications. He remained in the meeting but took no part in the discussion on the application.

The Development Control Officer submitted the report on the application and advised Members that the application was brought before the Development Control

Committee for determination as a City Councillor had exercised his right to speak for the two related planning applications.

The Development Control Officer advised Members that the application related to the former Railway Inn public house. She gave a description of the property and its location and explained that the site fell within the Carlisle-Settle Conservation Area and was surrounded by commercial properties to the north, west and south together with a series of terraced dwellings to the east.

The Development Control Officer advised that there was no change to the details of the scheme and no material change in planning circumstances and therefore recommended that the application be approved.

RESOLVED – That approval of the application be granted.

(3) Alterations and Extension to form one retail unit and new internal access (Renewal of Expired application 06/1363), Former Railway Inn, 104 London Road, Carlisle, CA1 2PE (Application 10/1150)

Councillor Betton, having registered a right to speak as City Councillor on the application, stepped outside the Members' area and took no part in the discussion on the application, but remained in the meeting.

The Chairman advised Members that the application would be considered with the following item on the agenda (Application 10/1151) as the two applications were linked.

The Development Control Officer submitted the report on the application and advised Members that the application was brought before the Development Control Committee for determination as a City Councillor had exercised his right to speak for the two related planning applications.

The Development Control Officer advised Members that the application related to the former Railway Inn public house. She gave a description of the property and its location and explained that the site fell within the Carlisle-Settle conservation Area and was surrounded by commercial properties to the north, west and south together with a series of terraced dwellings to the east.

The Development Control Officer advised that in overall terms it was considered that the proposals were compliant with the objectives of the relevant adopted Development Plan policies and the conversion of the Grade II Listed Building could be achieved without adverse impacts on its character or setting. To ensure that an appropriate finish to the building was achieved, the Development Control Officer explained that it was recommended that the same conditions as the original planning consent were attached to any decision notice requiring the applicant to provide samples of all external materials to be used and details (including colour and design) of all windows and external doors.

In conclusion the Development Control Officer reminded Members that the Council had previously granted full planning permission and Listed Building Consent for the conversion of the ground floor of the Railway Inn to form a retail unit as well as extensions to the rear of the building. The plans presented to Members were no different to the plans that had been previously approved. Therefore the Development Control Officer recommended that approval of the application be granted as there had been no material change in circumstances.

Councillor Betton addressed the Committee under the "Right to Speak" policy. He stated that the building was a Grade II Listed Building and he objected to the proposal under policy LE13 that dealt with alterations to a Listed Building as he did not believe the alterations would benefit the building. Councillor Betton reminded Members that the building lay within the Carlisle-Settle Conservation Area. He further advised that he also objected to the proposal under policy LE15 that dealt with change of use as he believed it was not correct to change the use.

The Member also stated that he had objections under T1 (parking), EC9 (parking and adequate internal and external space) and CP6 (visually intrusive). The Member stated that he had concerns about the loss of the back wall where the extension would be erected as there would be no windows installed in order to provide shelf space and that the bins would be to the side of the building near to the public highway.

Councillor Betton was also concerned that the applicant had not confirmed colours to be used and was concerned about the lack of fire escapes.

The Member further advised that he was concerned that the windows would be replaced but not with sash windows and proposed that the application should be deferred to enable time for the issues to be thought through. Councillor Betton stated that he was surprised there had been no comment from Health and Safety Officers and that he was concerned about traffic coming to and from the building.

Mr Cummins (Agent) advised that he was representing Mr Potts who had been unable to attend. He stated that the architect had taken the client's brief for a retail and residential property that would be appropriate for the area. He advised that he had consulted with the Conservation Officer and that he was satisfied with the contemporary extension at the rear but that the front of the building would retain the integrity of the area. He advised that the application was to renew a previously approved planning permission and that if the application could not progress the building would deteriorate.

The Development Control Officer advised that, in relation to hazardous materials, the permission to store hazardous materials in Watts Yard was revoked in the later part of 2007. She confirmed that the Health and Safety Executive had been consulted on the application but no response had been received. She assumed that, as the Health and Safety Executive raised no objections on health and safety grounds to the previous application, that they would again have no objections to the current application.

The Conservation Officer advised that the applicants had spoken with himself and the Principal Conservation Officer and that they were aware of the proposed work to the outside of the building. He stated that the building was currently out of use and that the application was an attempt to get in back into use as it was unlikely that it would be used as a public house in the future. He therefore recommended that Members approve the application.

The Committee then gave detailed consideration to the application.

A Member advised that the report indicated that a condition had been imposed that stated that samples of materials would be submitted for the avoidance of doubt.

While the Member agreed that the building was a Listed Building he believed that the building was currently boarded up and covered in graffiti and was a disgrace. He was concerned that the owners had not done anything with the building to date and that the sooner something was done to retain the character of the building and get it back into use the better.

The Member moved that the Officer's recommendations on the two applications be agreed.

A Member requested that one of the parking spaces should be designated as a parking space for disabled drivers. The Development Control Officer advised that that could be included as a further condition.

A Member agreed with the comments made and stated that it was currently in a state of dereliction and that he would welcome a solution that would meet with everyone's approval.

A Member advised that he had seen the building deteriorate over the years and that he did not believe the proposed materials would be detrimental to the building. He also believed that the proposed level of parking was adequate.

A Member stated that while he sympathised with the concerns of the Councillor he believed that something needed to be done.

RESOLVED – That approval of the application be granted with an additional condition in relation to parking spaces for disabled drivers.

(4) Demolition of redundant W C accommodation, erection of extension to rear and internal alterations to form one retail unit and 4no residential apartments, general repairs to sliding sash windows, stonework and roof coverings, construction of bin storage area to the side of 104 London Road (LBC), Former Railway Inn, 104 London Road, Carlisle, CA1 2PE (Application 10/1151)

Councillor Betton, having registered a right to speak as City Councillor on the application, stepped outside the Members' area and took no part in the discussion on the application, but remained in the meeting.

The Chairman advised Members that the application would be considered with the previous item on the agenda (Application 10/1150) as the two applications were linked.

The Development Control Officer submitted the report on the application and advised Members that the application was brought before the Development Control Committee for determination as a City Councillor had exercised his right to speak for the two related planning applications.

The Development Control Officer advised Members that the application related to the former Railway Inn public house. She gave a description of the property and its location and explained that the site fell within the Carlisle-Settle Conservation Area and was surrounded by commercial properties to the north, west and south together with a series of terraced dwellings to the east.

The Development Control Officer explained that in overall terms it was considered that the former Railway Inn could be converted without adversely affecting the character or setting of the Listed Building and that the proposal was considered to be compliant with the relevant Development Plan policies.

In conclusion the Development Control Officer reminded Members that the Council had previously granted full planning permission and Listed Building Consent for the conversion of the ground floor of the Railway Inn to form a retail unit as well as extensions to the rear of the building. The plans presented to Members were no different to the plans that had been previously approved. Therefore the Development Control Officer recommended that approval of the application be granted as there had been no material change in circumstances.

RESOLVED – That approval of the application be granted with an additional condition in relation to parking spaces for disabled drivers.

(5) Temporary installation for 3 years of a wind monitoring mast 60m high, land to the South of Moss Grove, Roweltown, Carlisle (Application 10/1023)

The Principal Development Control Officer submitted his report and advised that the application had been brought before the Development Control Committee due to the number of objections received and those wishing to exercise their right to speak. The Officer confirmed that since preparing the report, four further objections had been received on the basis that the size and scale of any wind turbines and the associated test mast would damage an unspoilt and tranquil area and adversely affect residential property and the quality of life of the residents.

Furthermore, the Principal Development Control Officer advised that a letter had been received from Mike Sibthorp Planning sent on behalf of an action group called NOWT that questioned the validity of the application on a number of issues which the Principal Development Control Officer outlined. In response the applicant had explained that under Circular 4 of 2008 it was not necessary to include other land

being developed and provided further details in an e-mail that advised there would be a 60m mast with anchor points of 40m radius; there would be 4 guy ropes, and that they were happy to provide further details of the design.

The Principal Development Control Officer explained that Moss Grove was an isolated farmstead approximately 38 metres to the south of the road running between Kirkambeck and Roweltown, with 3 properties within 750 metres to the north of the steading. The Principal Development Control Officer gave a description of the farmstead and advised that a County Wildlife Site lay 750 metres to the east.

The Principal Development Control Officer further advised that the RSPB had confirmed that they had no objections to the proposal provided there were guy markers placed on the ropes.

The Principal Development Control Officer presented slides of the site.

The Principal Development Control Officer advised that given the temporary period and limited harm, it was considered that the proposal complied with the JSP policy 44 and LP Policy CP8 in terms of its landscape impact. The harm the wind mast would cause to the landscape was far outweighed by the benefit it would give in assessing the meteorology of the site. The Principal Development Control Officer stated that there would be additional conditions imposed specifying approved plans and meeting the concerns of the MOD and RSPB. In conclusion the application was recommended for approval.

Mr Goddard (Objector) believed that a public inquiry should be held with regard to the application due to the number of objections, including those from the Parish Council. He was concerned that the matter was not of adequate importance to warrant an Environmental Impact Assessment. Mr Goddard believed there would be problems with light pollution and that the site was a short distance from a World Heritage site and that the application should not be approved. National guidance stated that the site edge should be clearly marked in red and Mr Goddard believed that the plans indicated Moss Grove outside the marked area; therefore the boundary should be revised.

Mr Goddard further advised that there was no indication on the impact of protected species or the Heritage assets and believed that tall masts would have an impact on the surrounding area.

Mr Simpson (Agent) confirmed that the application was not for a wind farm and that that could be a separate application in the future. He believed that the many objections were for a wind farm and that the application should be considered on its merits. He advised that the application was for a 3 year period; that was considered to be a suitable period in which to gain additional data.

Mr Simpson explained that the masts would be of 5" wide galvanised steel and that the guy wires would be 1" wide. The mast and guy ropes would be grey in colour as that was considered the most appropriate colour against the skyline.

Mr Simpson believed that the impact on the area was far outweighed by the benefits. He advised Members of 2 similar schemes that had been approved by the Planning Inspector on the grounds that the impact would be minimal and due to the fact that they were not permanent structures. He also advised that the Government supported energy renewal resources and that Banks Renewables were trying to achieve their aims.

The Committee then gave detailed consideration to the application.

A Member believed that the issue of wind farms was emotive but stressed that the application was not for a wind farm but for one mast and that after 3 years the applicant could conclude that the site was not suitable. If they did wish to build a wind farm that would require a separate application. He wondered about the true level of objection as 82 people had raised objections but only one person attended the meeting to speak.

A Member believed that the comments in the report regarding the harm caused to the landscape being outweighed by the benefit it would give was one view and not the view of other people. The Member stressed that the Committee would make its decision on the application before it and not based on information relating to another area.

The Member was also concerned about the comments from the MOD regarding omnidirectional lighting. The MOD had stated that while they had no safeguarding comment to make they stated that the height of the development would necessitate that aeronautical charts be amended and that the erection of wind turbines may affect military aviation and radar. The Member stated that he would be happy to move the recommendation but that at some stage someone would need to look at the issue and that the information should possibly be given to the MOD by the City Council.

The Planning Manager advised that since an application for a wind farm had been turned down potential applicants were advised to speak to the MOD. The developers had spent some time in discussion with the MOD and they were continually refining the application. The developers could only deal with the advice they had been given.

The Principal Development Control Officer confirmed that he was aware of the concerns of the MOD and recommended that permission be granted with suggested revisions to a condition and the imposition of two further conditions.

RESOLVED – That approval of the application be granted.

(6) Internal alterations to Grade II Listed former farmhouse and barn including re-location of kitchen with bedroom above, access stair, infilling of non-original door openings and repair to barn clay walls (LBC), Fauld Farm, Burgh-By-Sands, Carlisle, CA5 6AN (Application 10/1143)

The Conservation Officer submitted his report on the application and advised that the application had been brought before the Development Control Committee as the Ward Councillor had expressed a wish to exercise his right to speak in support of the application.

The Conservation Officer gave a description of the property and the location within the village of Burgh-by Sands. He advised that the application sought Listed Building Consent to form new internal openings in the clay walls between the existing dwelling and the adjoining barn at ground and first floor level for an improvement to the internal arrangement of the dwelling, and described the proposed work to the existing dwelling and barn.

The Conservation Officer advised that historic buildings were a finite resource and clay buildings, as a traditional vernacular form of construction, were therefore, especially vulnerable to change and were rapidly disappearing. It was therefore important to retain significantly intact examples of which Fauld Farm was one of a limited number.

The Conservation Officer explained that the application sought to demolish two sections of the original clay wall and it was his view that that would destroy the historic integrity of that part of the structure. That view was also supported by the Conservation Area Advisory Committee following consideration of the application when both the applicant and the City Council's Conservation Officer were absent.

The Conservation Officer believed that the proposed works would significantly alter the original layout and plan form, damage the internal character and appearance of the building and reduce the architectural and historical significance of the property. There was also a concern that previous discussions had suggested the formation of an opening at first floor level between the existing master bedroom and the barn, and that approval of the application could result in a future application to undertake such work with the possibility that a further section of the original clay wall would be destroyed.

The Conservation Officer stated that a Councillor had requested a site visit. He proposed that before Members made a decision on whether to have a site visit he would present slides of the building. The slides showed the plan of the proposed extension and the condition of the internal walls in question.

The Conservation Officer advised that the agent's response had stated that there were errors in the report and that the report was unbalanced. While he conceded that there were two errors he refuted that the report was unbalanced. The Conservation Officer explained that under the section of the report in respect of Planning History, reference was made under a previous application to additional work

in building up two existing openings in the existing dwelling. That in fact referred to additional work proposed in the current application. The Conservation Officer also advised that the Clay Buildings Survey was not published for general release as stated in the report but was published specifically for English Heritage as part of an on-going survey of clay buildings, the result of which would be published for general release upon completion.

The Conservation Officer reiterated that the application was essentially similar to the two previous applications that had been refused by the Committee in 2008 and at officer level under delegated powers in 2009 and also by the Planning Inspectorate following an appeal by the applicant.

A Member advised that while he was mindful that a site visit had already been undertaken in respect of a previous application those Members who had been appointed to the Committee since that time would not have the advantage of seeing the property firsthand. Therefore the Member proposed, and the Committee agreed, that a site visit should be undertaken.

RESOLVED – To defer consideration of the application to enable a site visit to be undertaken and a further report to be presented to the Committee at a future meeting.

(7) Use of land for the stationing of caravans for residential purposes for 1no gypsy pitch together with a utility/dayroom ancillary to that use, Parkfield Stables, Newtown, Blackford, Carlisle, CA6 4ET (Application 10/0062)

Councillor Mrs Riddle left the meeting room during part of the discussion. She was therefore advised that she would not be permitted to take part in any discussion on the application.

The Principal Development Control Officer submitted his report on the application and advised that the application had been brought before the Development Control Committee due to the number of objections received and the wish of a resident to exercise his right to speak.

The Principal Development Control Officer advised Members of the location of the site and gave a description of the site. He explained that the applicant lived with his wife and six children at Parkfield Stables and advised that the children either attended Houghton C of E School or Newman School. The Principal Development Control Officer advised that three of the children experienced hearing loss and that the status of the family as Gypsies had already been accepted.

The Principal Development Control Officer advised that the Council had proactively sought to address the accommodation needs of the Gypsy and Traveller community. That had not only involved the direct provision of a site, with the help of grant funding from the Department of Communities and Local Government, at Ghyll Bank Park but also the granting of permission for a private 12 pitch site at Ghyll Bank House. There had also been recognition that the variety in provision could be further enhanced and

augmented by single family plots. Compliance with the Cumbria Gypsy and Traveller Accommodation Needs Assessment (GTAA) would still depend upon the continued provision of a site at Parkfield Stables.

The Principal Development Control Officer advised that the the GTAA had specified that 65 pitches provided by 2016 and not 62 as specified in the report and that, following discussions with the proprietors of Hadrians Park and Ghyll Bank House there appeared to be 34 restricted pitches at Hadrians Park and 10 pitches at Ghyll Bank House although 12 pitches had been approved. There was also provision for a further 15 pitches at Ghyll Bank Caravan Park which made a total of 61 pitches, 4 short of the number specified.

The Principal Development Control Officer presented slides of the site that showed the chalet and ablution block already on the site.

The Principal Development Control Officer concluded by advising that there was a direct need for a site to accommodate Mr Carrigan and his family and in the context of the Cumbria GTAA it was considered that that need outweighed the harm to the character and appearance of the surrounding area.

The proposal was therefore recommended for approval with Condition 2 amended to the effect that the word “all” was replaced by “any” in respect of materials and equipment being brought onto the land.

As the objector who had requested a right to speak was not in attendance the agent was advised that he was not allowed to speak, as his right related to his response to the points raised by the objector only.

The Committee then gave detailed consideration to the application.

A Member stated that the application site was in his Ward and that the situation had been ongoing for some time. The Member was concerned that since 2003 several applications had been refused and appeals dismissed. In August 2007 an application for development was considered by the Committee and refused. The applicants appealed and the Committee’s decision was upheld. The Committee had then given temporary permission in December 2007 as no permanent sites were available at that time. Since that time nothing had changed. The site remained rural and unsustainable and the Member queried what the planning and housing authorities had done to assist the family to find alternative accommodation. The Member believed that the issue should be regularised to safeguard the Council and the applicant’s position. The Member suggested a further 2 year temporary permission on condition that the officers worked with the applicant and others to rectify the situation. He believed that enforcement would be wrong and unfair to the family and that the family had been led to believe that within 3 years from 2007 they would have to find somewhere else to live but had been given no assistance.

A Member moved the Officer’s recommendation.

A Member queried the comments in respect of the needs survey and asked whether there were any other sites that would satisfy the family’s requirements.

The Principal Development Control Officer gave a history of the site and explained that temporary permission for a development had been granted as the circumstances had changed and the grounds for refusal in respect of drainage addressed. He explained that the City Council had been part of a working group looking into gypsy traveller provision in the District. Members may have had concerns over the perceived unfairness as Carlisle and Eden had been required to provide more sites than other districts but that was a matter for consideration separate of the current application. Since Government Office North West had been disbanded no further work had been undertaken on the issue. However, the Principal Development Control Officer advised that the City Council had been proactive and that the Council had purchased and redeveloped Ghyll Bank Caravan Park and that it was now fully occupied. Separate permission had been granted for another private site at Ghyll Bank House for 12 pitches. The Principal Development Control Officer advised that there were some temporary sites of which the applicant's was one. Advice from Government stated that there should be a variety of provision and he recommended permission as it would provide certainty to the family.

The Member who had suggested a further 2 year temporary permission stated that following the information provided he would withdraw his objection and moved the officer's recommendation. The Member who seconded the proposal agreed.

RESOLVED – That approval of the application be granted.

(8) Variation of Condition 4 of 97/0203 to allow restaurant to open between the houses of 6:00am to midnight daily, McDonalds Restaurant, Gearshill Road, Carlisle, CA3 0ET (Application 11/0079)

The Development Control Officer submitted his report on the application and advised that the application had been brought before the Development Control Committee as the recommendation was contrary to a previous decision made by Members of the Committee.

The Development Control Officer described the location of the premises and advised that the premises was a 90 seat restaurant with cooking and storage facilities and associated 'Drive Thru' facilities and parking provision.

The Development Control Officer believed that the merits of the application were finely balanced. On the one hand planning policies sought to encourage economic expansion and provision of shops and facilities to meet with the increasingly varied demand as society's needs changed. The opposing view was that the potential impact that the increased trading hours could have on the living conditions of the occupiers of the nearby residential properties as a result of unacceptable levels of noise and disturbance. The comments from Environmental Protection Services showed that no complaints had been received in respect of noise nuisance and that an increase in trading hours as proposed would not be anticipated as a result.

Given the marginal increase in trading hours together with the presence of Kingstown Road that bisected the application site from the neighbouring residential properties,

on balance the proposal would not conflict with current Local Plan policies and was considered to be acceptable.

The Development Control Officer advised that Councillor Ellis had outlined his reasons for objecting to the application and explained that the applicant would be prepared to accept a condition requiring the submission of a litter management plan prior to the implementation of the consent. The agent was exploring the potential of increased community participation in local initiatives and while it would be inappropriate to condition such a move discussions would continue with Officers and any progress would be seen as a positive contribution within the community. Therefore the Development Control Officer recommended that Members approve the application. .

Councillor Ellis (Ward Councillor) stated that he was representing the views of those residents who had contacted him and reminded Members that they had refused a similar application in 2008. Councillor Ellis stated that he objected to the application under Policy CP6 (increase in traffic noise in late evening) and also the risk of people congregating on the site. Councillor Ellis further advised that he also objected under Policy EC10 that related to food and drink premises and in particular relating to unacceptable disturbance to occupiers of residential properties. Councillor Ellis requested that the condition in relation to litter management was imposed until closing time and not prior to closing time as was currently the case.

The Committee then gave detailed consideration to the application.

A Member stated that McDonalds had a good reputation with regard to litter management and that the problem came from people purchasing food at the Drive Thru and discarding the litter elsewhere. The Member queried whether there could be a monetary contribution or physical help in respect of litter management within a specified radius of the restaurant.

The Development Control Officer advised that the application was to increase the opening hours by 1½ hours per day and although there had been issues with litter if the application was for a new restaurant facility such a condition could be imposed, but it would not be appropriate in the case of the application being considered.

The Member believed that those people producing the litter should have responsibility in the same way as anyone else and that a litter management plan would assist with that. However, the Development Control Officer advised that Officers could negotiate with the applicants with regard to community involvement and litter management. The Assistant Director (Economic Development) stated that the Officers could speak with the applicant and that the applicant was anxious to be seen as a good neighbour.

A Member advised that he held similar reservations to Councillor Ellis and was concerned about noise pollution and anti social behaviour. He stated that he too would like to see something being done about litter management.

It was proposed and seconded that Members approve the Officers recommendation with a condition that the Officers speak with the applicant with regard to litter management.

RESOLVED – That approval of the application be granted.

(9) Erection of a gymnasium building and 3G football pitch with floodlighting, Richard Rose Morton Academy, Wigton Road, Carlisle, CA2 6LB (Application 10/1115)

The Development Control Officer submitted his report on the application, that had been the subject of a site visit on 9 March 2011, and advised that the application had been brought before the Development Control Committee as 19 letters of objection had been received.

The Development Control Officer indicated the details of the application and advised that a new school building was currently under construction at the site, which also included a swimming pool/gym building that was open to the general public and extensive playing fields located to the rear of the site. Residential properties surrounded the school site and those on Suttle Close, Hebden Avenue and Helvellyn Rise adjoined the playing fields. The gymnasium would be located adjacent to the existing swimming pool and gym already on the site.

The Development Control Officer advised that although there had been 19 letters of objection they related mainly to the football pitch and the floodlighting and noise in particular.

The Development Control Officer advised that the siting of the gymnasium and sports pitch were acceptable in principle and the imposition of conditions would ensure that the proposal would not have an adverse visual impact or an unacceptable impact on the living conditions of the occupiers of any neighbouring residential properties.

The Development Control Officer advised that the applicants had submitted a Site Management and Security Plan that set out how the site would be managed. It included CCTV monitoring, hours of operation, users would have to sign a Code of Conduct and the establishment of a management committee that would include a local resident.

The Development Control Officer suggested that a condition should be attached to ensure that the new facilities were managed in accordance with the details contained in the Site Management and Security Plan.

The Development Control Officer further suggested an amendment to the existing conditions of hours of use of the pitch and the floodlighting so that they would be consistent with the Site Management Plan. Those hours were until 9:00pm Monday to Friday and 7:00pm on Saturday, Sunday and Bank Holidays with the floodlights being switched off 15 minutes later.

The Development Control Officer advised that the applicants had submitted a floodlighting plan that showed lighting on the pitch would be 200 lux with the spillage at the edge of the pitch being very low. The Development Control Officer gave comparison of other floodlit pitches around the district. Environmental Health Officers had confirmed that if the lights were installed in accordance with the details provided they should not create a problem for residents in neighbouring properties. However, if they did become a nuisance they could take appropriate action. The Development Control Officer suggested that there should be a condition imposed to restrict the luminance levels.

The Development Control Officer presented slides of the site including the plan of the site. He stated that a landscaping condition would be imposed to secure some landscaping between the houses and the pitch to reduce the impact. Councillor Hendry (Ward Councillor) had submitted a statement in support of the application.

Therefore the Development Control Officer recommended that approval of the application be granted with additional conditions imposed in respect of lighting levels, managing the site in accordance with the management plan and the usage of the floodlights.

The Committee then gave detailed consideration to the application.

A Member believed that the facilities would be an advantage to all residents in the area but he did have concerns about the floodlights. Reports on a similar application relating to Dalston Tennis Courts were accompanied by an independent report to verify the lighting levels. The Member felt uncomfortable taking the information from the developers and contractors without an independent view to back it up. The Member was conscious however that Richard Rose Federation were anxious to move on the project and queried whether there was some way a condition could be imposed that would require an independent lighting review to be submitted.

The Assistant Director (Economic Development) advised that while she appreciated the Member's concerns the Officer had done a lot of work to ensure the information was correct. She also reminded Members that if the floodlighting did appear to be a problem with residents they did have the power to take action. Therefore she had no difficulty in recommending that Members could grant authority to issue approval based on that information.

The Member advised that he still did not feel comfortable with the proposal but was happy to move granting authority to issue approval on that basis.

A Member was concerned about the closing hours of the pitch and the impact there would be on neighbouring residents. He stated that he would prefer the closing time to be 7:00pm daily.

The Development Control Officer advised that the hours were decided to suit the school and community but also took account of local residents. He explained that the school would use the pitch during the day and local clubs would use it after school. The hours had been reduced at weekends and Bank Holidays and reflected timings at similar establishments elsewhere in the district.

A Member advised that while he appreciated the facilities he did have concerns about the quality of life of residents close to the site. Bungalows on Hebden Avenue were only 50m from the edge of the pitch and the floodlighting would be a major issue for them. He acknowledged the height of the lighting standards and that the light would be directed onto the pitch but he was aware of problems at a similar site in the district and agreed with the residents on the issue.

The Development Control Officer advised that the lighting report had been reviewed by the Environmental Health Officers and the additional information provided confirmed best practice with regard to spillage and glare. He believed that the pitch was a reasonable distance away from the properties and confirmed that Environmental Health Officer were satisfied that there would be no problems but that they could deal with any issues if they arose.

A Member believed that the main issues were the lighting, noise and disruption to residents. He stated that in his career he had experience of spillage diagrams and believed that the diagram submitted was the best he had ever seen. He was confident that the lighting would be within the 3G pitch and nowhere near the properties. He also reminded Members that the lighting would only be used during winter months as no lighting would be required during summer months.

With regard to noise and disruption he believed that the pitch was 50m from the nearest properties and would be screened by a high fence. There had been objections about noise from the ball hitting the fence but he believed that as the pitch was so far away the noise would be minimal. He also believed that noise from players on the pitch would be unlikely to carry that far. He also reminded Members that there was currently a playing field on the site, closer than the proposed 3G pitch and stated that if it was not a problem at present it was unlikely to be a problem in the future. He therefore moved the Officer's recommendation for approval.

A Member queried whether landscaping could be evergreen to screen the lighting and deaden some of the sound. The Development Control Officer advised that he would have input into the details of the landscaping and that the Tree Officer would be involved.

Having been moved and seconded it was:

RESOLVED – That approval of the application be granted with additional conditions relating to floodlighting, a site management and security plan and restricted opening times.

The meeting adjourned at 12.20pm and reconvened at 12.30pm.

(10) Erection of detached dwelling (Revised Application), land to the rear of Ivy House, Ghyll Road, Scotby, Carlisle, CA4 8BT (Application 10/0279)

The Development Control Officer submitted his report on the application and advised that the application had been brought before the Development Control Committee due to objections that had been received from Wetheral Parish Council and local residents.

The Development Control Officer reminded Members that the application had been deferred at a previous meeting to undertake a site visit. The application was then further deferred to allow the applicant to submit additional details in respect of the design of the building and clarification regarding energy efficiency and sustainable initiatives. Additional drawings had been received that regularised some of the discrepancies between the elevations and the floor plans. The drawings also showed the construction detail of the building, in particular, the glazing detail, eaves detail, how the balcony glazing would be incorporated, etc.

The Development Control Officer advised that the application sought full planning permission for the erection of a dwelling on land to the rear of Ivy House, Ghyll Road, Scotby, Carlisle and that the site was within a Primary Residential Area, the Settle Conservation Area and within the curtilage of a Grade II Listed Building.

The Development Control Officer advised Members on the access to the site. A temporary timber panel fence had been erected whilst the hedgerow that separated the site from Ivy House became established. Large trees along the north-west boundary were subject to a Tree Preservation Order and there was a belt of young Leylandii trees along the south-west boundary.

The Development Control Officer explained that there was an eclectic mix of properties along Ghyll Road of various ages and architectural styles and described two of those properties.

The Development Control Officer described the size and shape of the site and the proposed building and advised that the building would be set back 38 metres from the boundary with Ghyll Road. The Development Control Officer gave a description of the internal layout of the proposed building and advised that the property would be constructed from white rendered walls under a flat roof with windows being a pre-finished glazing system constructed from aluminium with a powder coated finish. The foul drainage system would connect to the mains sewer. The Development Control Officer advised that there had been alterations to the internal layout and external appearance of the building that included recessed areas in the elevations and a marginal alteration to the position of the footprint that had been turned slightly to the north-west. Following re-consultation of those details the Parish Council had objected to the proposal on the grounds that it would be contrary to Policies CP5 (design), H9 (backland development), LE12 (proposals affecting Listed Buildings) and LE19 (Conservation Areas of the Local Plan). The Council's Conservation Officer had commented on the amended drawings and had confirmed that the previous issues and concerns had been addressed satisfactorily by the applicant and that no further comments were made.

The Development Control Officer advised Members that the key issue for consideration was the impact on the character and appearance of the Conservation Area. The revisions to PPS3 and the issue of 'garden grabbing' were not relevant but those revisions did not preclude residential development on garden land but instead focussed on the visual impact on the character of the area. The site comprised an area adjacent to residential properties within the village but was not particularly prominent as it was screened by surrounding buildings. However, the site would be seen from the Conservation Area to the rear of the site but that would diminish over time due to the proposed landscaping.

The Development Control Officer further advised that the scale, design and materials in the building would contribute to the character of the area. Further, it was proposed that a quality contemporary design would not mimic a 'traditional' building but rather would introduce a further dimension. Given the context of the site, it was the view of the Conservation Officer, that the proposed development would not adversely affect the character or appearance of the Conservation Area. The contemporary development in the back garden of a Grade II Listed Building was within Scotby Conservation Area and the Parish Council considered that the scale and design would neither enhance nor harmonise with the existing surroundings.

The Development Control Officer stated that three letters of objection had been received that reiterated previous objections expressed in relation to the application. The issues raised had largely been dealt with in the Development Control Officer's report.

The Development Control Officer explained that a statement by the applicant stated that the land was not garden and formed a separate parcel from Ivy House. The objectors had stated that it was garden and title deeds dating from the 19th Century had been provided showing the land within one boundary. Notwithstanding that issue, the declassification of domestic gardens by the Government did not preclude development. In all cases, the character of the area would be the key consideration.

The Development Control Officer presented slides of the site and explained that a neighbour believed the cross section plan of the site and other properties did not give a true representation of the relationship with neighbouring buildings.

The Development Control Officer concluded by advising that the building would not result in any demonstrable harm to the living conditions of any neighbouring residential dwellings and would incorporate infrastructure that contributed to energy conservation and efficiency. In all other aspects the proposal was compliant with the objectives of the relevant Local Plan policies. Therefore the Development Control Officer recommended that approval of the application be granted subject to the imposition of an additional condition requiring the submission of details relating to the protection of the trees during construction works.

Ms Hardy (Objector) advised that she was speaking on behalf of Mr Noble who lived opposite the site. She stated that although there had been a number of amendments there were still some concerns including the size of the building and the materials being used in the garden of a Grade II Listed Building when all other properties were

of a traditional style. Ms Hardy did not believe it was appropriate for a site alongside the Carlisle to Settle railway line. She believed that the site, scale and design were out of character of the area. Ms Hardy further believed that the properties on the opposite side of the railway line were shown lower on the cross section plan than they actually were. She stated that the building would be incongruous with the area, would be visually intrusive, and would have an adverse impact on the Listed Building and the Conservation Area and part of Scotby. Ms Hardy also believed that the proposal was in conflict with policies CP5, 6 & 7, H9, LE12 & 19 and that the 4 policies referred to in the objection by the Parish Council related to scale and design.

Ms Hardy was also concerned about the trees on the site and the property and their proximity to the railway line. She stated that they did not benefit the Conservation Area and could be cut down at any time. If there was no new planting there would be no screening between the site and the properties opposite.

Mr Cummins (Agent) stated that he had listened to the comments and advised that since the previous application the applicant had employed a specialist architect with regard to the construction details and had also spoken with the Conservation and Planning Officers regarding policies. The resulting design was smaller and neater than the original.

The property would be a two storey design with a flat roof and was a good quality contemporary building that would enhance the Conservation Area as a comparison to existing buildings rather than an attempt to emulate them.

RESOLVED – That approval of the application be granted.

(11) Installation of 10m high radio pole to provide private internet service as a relay to Castle Carrock School, Highway Verge adjacent to B6413, south of Oaktree Hall, Castle Carrock (Application 10/1003)

The Chairman advised Members that the application would be considered with the following item on the agenda (Application 10/1005) as the two applications were linked.

The Development Control Officer submitted his report on the application and advised that the application had been brought before the Development Control Committee as the Parish Council had objected to the proposal.

The Development Control Officer advised that the applications sought planning permission for the installation of a 10m high radio pole with antenna receiver and communications cabinet in the highway verge adjacent to B6413 to the south of Oaktree Hall, Castle Carrock and a 12m high radio pole with antenna receiver on land adjacent to Castle Carrock School that would provide an improved broadband service to the school to enable it to have access to the educational services provided by Cumbria and Lancashire Education Online.

The Development Control Officer stated that the 10m high pole and cabinet would be located in the grass verge on the eastern side of the B6413. Open fields would be

located to the rear of the pole and on the opposite side of the road. The nearest residential property would be located 35m to the north of the pole on the opposite side of the road. A wooden telegraph pole was located in the grass verge opposite that dwelling.

The Development Control Officer advised that the Parish Council had objected to the two applications on visual grounds. However, the Development Control Officer explained that the poles would be slim and light grey in colour and that any visual impact would be outweighed by the benefits to the school.

There had been queries with regard to similar facilities for the community as a whole or whether other options were available for the school. However, the Development Control Officer advised that the school needed additional security and even if Broadband were available in the village the school would still need a secure network.

In conclusion, the Development Control Officer advised that in overall terms the proposal would not have an unacceptable visual impact. In all aspects the proposal was considered to be compliant with the objectives of the adopted Local Plan. Therefore the Development Control Officer recommended that approval of the application be granted.

The Committee then gave detailed consideration to the application.

A Member queried whether the poles would still be required if landlines were provided in the village. The Development Control Officer advised that he had consulted with the agent and even when Broadband was available in the village the school would still need that secure connection. A condition had been added to ensure the removal of the poles if they were no longer required.

A Member stated that he had no issues with the application as there were already a number of telegraph poles in the village and moved the Officer's recommendation.

A Member advised that the County Council and BT were in discussion as the Government were attempting to source funding to make Broadband available in the village. The Assistant Director (Economic Development) advised that Officers had worked with partners to produce the application.

RESOLVED – That approval of the application be granted.

(12) Installation of 12 metre radio pole with antenna receiver to provide private internet service to Castle Carrock School, land adjacent to outside Castle Carrock School, Castle Carrock, Brampton (Application 10/1005)

The Chairman advised Members that the application would be considered with the previous item on the agenda (Application 10/1003) as the two applications were linked.

The Development Control Officer submitted his report on the application and advised that the application had been brought before the Development Control Committee as the Parish Council had objected to the proposal.

The Development Control Officer advised that the applications sought planning permission for the installation of a 10m high radio pole with antenna receiver and communications cabinet in the highway verge adjacent to B6413 to the south of Oaktree Hall, Castle Carrock and a 12m high radio pole with antenna receiver on land adjacent to Castle Carrock School that would provide an improved broadband service to the school to enable it to have access to the educational services provided by Cumbria and Lancashire Education Online.

The radio pole would be located in a grass verge approximately 3m from the main school building and in close proximity to an existing lamp post. A road ran to the front of the school and that contained a number of parked cars at the time the officer visited the site. St Peter's church, a Listed Building, was located on the opposite side of the road and the nearest residential property would be approximately 18m from the pole.

In conclusion, the Development Control Officer stated that in overall terms the proposal would not have an unacceptable visual impact and in all aspects the proposal was considered to be compliant with the objectives of the adopted Local Plan. Therefore the Development Control Officer recommended that approval of the application be granted.

RESOLVED – That approval of the application be granted.

(13) Erection of a single storey extension to provide en-suite bedroom and extended porch, 1 Rosegate, Aglionby, Carlisle, CA4 8AJ (Application 11/0112)

The Planning Assistant submitted his report on the application and advised that the application had been brought before the Development Control Committee as the applicant was an employee of the City Council.

The Planning Assistant explained that the dwelling at 1 Rosegate was a single storey detached dwelling on the northern side of Rosegate, and gave a description of the property and its location. He stated that the site was surrounded by residential properties but was bordered on two sides by the highway.

The Planning Assistant advised that in overall terms the scale, siting and design of the proposal were acceptable in relation to the site and surrounding properties. The living conditions of neighbouring properties would not be compromised through unreasonable loss of light, overlooking or over dominance. The proposal was compliant with the objectives of the adopted Local Plan and therefore the Planning Assistant recommended that approval of the application be granted.

RESOLVED – That approval of the application be granted.

(14) Change of use of retail unit (use Class A1) to hot food takeaway (use Class A5), Units 5/6 Old Raffles Parade, Carlisle, CA2 7EX

The Development Control Officer submitted his report on the application and advised that the application had been brought before the Development Control Committee as the recommendation was contrary to a previous decision made by Members of the Committee.

The Development Control Officer stated that the application sought 'full' planning permission for the change of use of Units 5/6 Old Raffles Parade, Wigton Road, Carlisle from a retail outlet to a hot food takeaway. The units which were currently vacant formed part of a district centre which lay within the Primary Residential Area as defined by the Carlisle District Local Plan 2001-2016. There were a number of other uses on the parade that included a bookmakers, a video rental shop and a fish and chip shop. There was an existing car park situated in front of the Parade.

The proposal as submitted, sought change of use from a retail premises to a hot food takeaway. The application related to both the ground and first floor of the premises. The Development Control Officer gave a description of the premises and advised that no external alterations were proposed with the exception of an extractor flue details of which would be regulated by the imposition of an appropriate condition. An additional condition had been imposed restricting the opening hours of the premises from between 08.00am to 10.00pm Monday to Sunday.

The Development Control Officer explained that in overall terms the principle of a hot food takeaway within a district centre was acceptable. He believed that it was important to bear in mind the question as to what degree of harm would occur to the living conditions of the occupiers of neighbouring properties. The premises were located adjacent to a main thoroughfare and within a parade of existing commercial uses where there were businesses that were open into the evening. There were residential properties close to the application site, the closest being 10m to the east of the application site.

The Development Control Officer advised that, subject to the imposition of a condition restricting the opening hours, the use would not adversely affect the living conditions of the occupiers of the neighbouring properties to such a degree as to be contrary to current planning policies. Therefore the Development Control Officer recommended that approval of the application be granted.

The Committee then gave detailed consideration to the application.

A Member stated that she objected to the application on the grounds of policies CP6 and EC10. The Member believed that the development would lead to an increase in noise and parking problems. The Member advised that there were already traffic problems at the junction with Wigton Road and the recently approved development for a Tesco store near by would make the situation unacceptable. The report also included a statement from the Police that indicated that from previous experience such premises could become a gathering point for local youngsters that may lead to an increase in noise and litter.

With regard to food hygiene the Member stated that the ventilation system would not totally remove odour from the premises.

The Member reminded Members that Carlisle held Healthy City status and that the Committee had a role to play in that standing. As there was already a takeaway facility on Raffles Parade the Member queried whether Members should approve a second.

A Member stated that he knew the area well and that there were significant traffic issues. He believed that when the Parade was converted into a cul-de-sac the problems were exacerbated. He stated that while he wished to see the property brought back into use he would prefer something other than a takeaway.

A Member stated that he was not against the application in principle and that his concerns related to the litter issues as discussed previously in the meeting.

The Development Control Officer advised that the building had been a retail premises and had therefore generated vehicle movement and confirmed that the Highway Authority had raised no objection. He believed that people using the facility would do so as part of another trip. With regard to the site being a gathering base the Development Control Officer highlighted the comments from the Police that as the establishment would close at 10.00pm there would be little reason for people to loiter in the vicinity. The Development Control Officer concluded by stating that it would be of benefit to the area to bring the property back into use and that conditions could be imposed with regard to residents' objections. A litter management plan could be discussed with the agent although as yet the agent had no end user in mind.

Following a vote it was:

RESOLVED – That approval of the application be granted.

DC.18/11 SUSPENSION OF STANDING ORDERS

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

[The meeting ended at 1.00pm]