

## **DEVELOPMENT CONTROL COMMITTEE**

**FRIDAY 11 NOVEMBER 2011 AT 10.00 AM**

**PRESENT:** Councillor Mrs Parsons (Chairman), Councillors Bloxham, Cape, Craig, Mrs Farmer, Morton, Nedved (as substitute for Councillor M Clarke), Mrs Riddle, Mrs Rutherford (until 2:35), Scarborough, Mrs Warwick and Whalen (as substitute for Councillor McDevitt) (until 1:55).

**ALSO**

**PRESENT:** Councillor Allison attended part of the meeting in his role as Ward Councillor

Councillor Graham attended part of the meeting as an observer

Councillor Lishman the meeting in his role as Ward Councillor having registered a right to speak in respect of application 11/0596 (Newlands Farm, Carleton, Carlisle)

Councillor Mrs Luckley attended part of the meeting as an observer

### **DC.76/11      APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors M Clarke and McDevitt.

### **DC.77/11      DECLARATIONS OF INTEREST**

Councillor Cape declared a personal interest in accordance with the Council's Code of Conduct in respect of Applications 11/0733 and 11/0734. The interest related to the fact that he was a member of the same sports club as the agent.

Councillor Cape declared a personal and prejudicial interest in accordance with the Council's Code of Conduct in respect of Application 11/0811. The interest related to the fact that he was the applicant.

Councillor Craig declared a personal interest in accordance with the Council's Code of Conduct in respect of Applications 11/0595 and 11/0701. Councillor Craig stated that the declaration was not based on pre-determination but was based on the fact that certain members of the public had seen fit to publish comments on the internet which wrongly implied that he would support the opening of the viaduct for public access and use his position as a member of the Planning Committee to secure that support.

Councillor Parsons declared a personal and prejudicial interest in accordance with the Council's Code of Conduct in respect of Applications 11/0711 and 11/0723. The interest related to the fact that the applicant was a relative.

Councillor Whalen declared a personal and prejudicial interest in accordance with the Council's Code of Conduct in respect of Applications 11/0595 and 11/0701. The interest related to the fact that he had already made public comments on the application.

The Legal Services Manager (Mrs Liddle) declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 11/0208. The interest related to the fact that one of the speakers, who was speaking on behalf of the Ward Councillor, was known to her.

The Planning Officer (Mr Maunsell) declared a personal and prejudicial interest in accordance with the Council's Code of Conduct in respect of Application 11/0875. The interest related to the fact that he was the applicant

#### **DC.78/11          MINUTES**

The Minutes of the meetings of the Development Control Committee held on 17 and 19 August and 28 and 30 September 2011 were approved and signed as a true record of the meetings.

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

#### **DC.79/11          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.80/11          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 1no. wind turbine and associated infrastructure including hardstandings, on site tracks, construction compound, permanent meteorological mast, underground cabling, culverting, control building and upgraded site access from B6263, Newlands Farm, Carleton, Carlisle (Application 11/0596)**

A Member expressed his concern that there were 2 letters circulated immediately prior to the meeting and, while Members would read and consider the information, he

was concerned that they had been submitted at such a late date to be considered as part of the decision making process.

The Principal Planning Officer (Development Management) submitted the report on the application. He outlined for Members the background to the proposal, design and site details, together with the main issues for consideration in determining the matter.

The proposal had been publicised by means of site notices, a press notice as well as notification letters sent to 112 neighbouring properties. At the time of writing the report, 1114 letters or e-mails had been received of which 1109 raised objections, 2 made comments and 3 were in support of the proposal. The Principal Planning Officer summarised the issues raised and support therein.

The Principal Planning Officer advised that it was considered that the proposed single turbine was unlikely to cause the kind of “oppressive and dominant visual impact” which concerned the Inspector and caused him to dismiss the appeal regarding the previous scheme for 3 turbines. Furthermore, it was considered that the visual impact of the proposed single turbine on any potential occupiers of the dwellings the subject of application 11/0730 was not sufficient to merit the refusal of permission.

Since the report was produced there had been an e-mail from the Joint Radio Company who confirmed that they had no objections to the application and a letter from the Ward Councillor urging that the Committee refuse the application. A Member had also provided a statement against the application which the Principal Planning Officer had circulated immediately prior to the meeting. The statement suggested that the application should be refused and outlined the reasons for that suggestion.

There had also been further representations received making a total of 1115 representations of which 1111 were against the application. Correspondence previously submitted by a resident had been re-submitted.

The Principal Planning Officer advised Members that a steering group of representatives from all the Councils in Cumbria had overseen the preparation of the “Cumbria Renewable Energy Capacity and Deployment Study” in September 2011. The study highlighted that Cumbria needed to significantly increase its current level of deployment if the County was to meet the target figure by 2030.

The applicant had subsequently confirmed that there was no longer an intention to provide a WC on the site and that a Pollution Prevention Plan would be prepared prior to construction. In addition an updated report had been provided that identified no effect on the Airport. The Principal Planning Officer explained that while the Airport had not raised any objections to the previous scheme for 3 taller turbines it was not considered to be a ground for refusal. On that basis the Environment Agency had verbally confirmed that there was no wish to object to the application on the basis that the proposed Pollution Prevention Plan was the subject of a condition. Discussions had taken place with Natural England who had responded in a letter that

bat monitoring may be required pre-construction and that the proposed removal of any vegetation would have to be undertaken appropriately.

The Principal Planning Officer presented slides taken from various positions around the site that indicated the location of the proposed turbine. There were also comparisons between the size, numbers and distances between the previous application and the current application, and the proposed development on land adjoining Beech Cottage.

In conclusion the proposal was recommended for approval subject to the satisfactory completion of a Section 106 Agreement and imposition of relevant conditions.

Mr Stamper (Objector) stated that he lived in one of the properties that would be most affected by the proposal. He reminded Members that the Planning Inspector had advised that the turbines proposed in the original application would be “uncomfortably close” and have “significant detrimental impact on the living conditions” of residents of the properties closest to the proposed site. He compared the size of the proposed turbine to Dixon’s Chimney. The developer’s answer to questions concerning visibility from Cringles Farm was that it would be mitigated by the availability of other views.

An assessment on the impact on Cringles Farm stated that the turbine would be a single focal point. Mr Stamper stated that there would be one turbine but that the attention of the residents of the farm would be drawn to that turbine rather than the surrounding scenery. He added that there would also be a large sub-station and construction compound while the turbine was being constructed.

Mr Stamper further advised that the Planning Inspector and the Principal Planning Officer had mentioned the need to weigh the costs against the benefits. In the case of the original application for 3 turbines residents were advised that the costs such as the visual impact and the impact on living conditions would outweigh the potential benefits. Mr Stamper believed that while the energy production of the current application was less than a third of the original application, the construction and infrastructure remained the same and the impact was not reduced.

Mr Stamper reminded Members that the statement from a Member that had been read out by the Principal Planning Officer referred to proposed legislation that would restrict the distance between wind turbines and residential properties. He stated that thousands of homes would be affected by the proposal at the current time. There had also been 36500 hits on the “againstnewlandswindfarm” website, many of which he believed would be from farmers and potential developers interested in how the application would be treated so close to so many residential properties.

Mrs Burton (Objector) advised that she lived in Beech Cottage and that the proposed turbine would be visible from the kitchen, lounge, bedrooms, conservatory and garden. She was concerned about noise, light flicker, sleep disruption and the effect that would have on her health. Mrs Burton referred to other sites in the country and the effect on residents living nearby. As the proposed site was to the west of the property Mrs Burton believed that there would be problems on winter afternoons and summer evenings as the sun set behind the turbines, as there would be shadow and

light flicker affecting the property. Mrs Burton stated that she was stressed and worried about the proposed development and added her concerns, that if the development went ahead, life in the village would never be the same. She believed that her physical and mental health would be affected but was also concerned that it would be difficult to sell the property should she decide to move and queried who would compensate her.

Mr Thompson (Objector) stated that he lived in Scotby and was concerned about issues relating to highway safety. He noted that the Highways Agency had responded to the application to advise that they had no objections to the scheme. However there had been no risk analysis presented to support their view which undermined Section 5 of the Highway Agency's Spatial Planning Advice Note on Planning Applications for Wind Turbines Sited Near to Trunk Roads. The Planning Inspector, when considering the original proposal for 3 turbines had considered that highway distraction would not be such a distraction that highway safety could be compromised to any significant degree. The Inspector added that he had "apportioned significant weight" to the views of the Highway Agency. However, Mr Thompson stated that the Highway Agency Planning Note SP 04/07 stated that wind farms such not be located where motorists needed to pay particular attention such as near to junctions. The proposed turbine would be close to Junction 42 of the M6. One of the country's leading highway consultant's had visited the proposed site and raised concerns about the distance from the Golden Fleece roundabout on the M6 and the northbound slip road and the view that traffic tended to bunch up at the junction. Mr Thompson reminded Members of the recent disastrous pile-up on the M5 and stated that it was a timely reminder of the dangers of distraction on motorways. He believed that even a single turbine represented a level of distraction and that it would be right and proper for the Committee to err on the side of caution and refuse the application.

Mr Claxton (Objector) advised that he represented the Cumwhinton Opposition Group. He reminded Members that the Planning Inspector had described the proposal for 3 turbines as being too close to residential properties, overpowering and over dominant and that they would have a significant impact on the residents. Mr Claxton did not believe that the current application addressed those issues as the proposed turbine was still too close to Cringles Farm and the nearby holiday cottages. Although the number of turbines had been reduced the size had not changed significantly.

Mr Claxton presented a video that had been prepared by specialists that showed the proposed turbine in motion. A large oak tree close to the proposed turbine was not healthy and would probably be removed. He concluded by stating that the proposed turbine would have an adverse visual impact on the area.

Mr Morton (Objector) stated that he and his wife lived 750m from the proposed site and reminded Members that the application in 2008 had been refused due to the close proximity of residential properties. The revised application did not alter the distance and while the height of the proposed turbine had been reduced it would still be taller than Dixon's Chimney and would therefore have an overpowering impact on the village. He believed that the turbine would have an adverse impact on the health and finances of the residents and that, if the application was approved, follow-up

applications would be submitted. Mr Morton did not believe there were any wind turbines of the size proposed close to residential properties anywhere else in the country.

Mr Morton referred to the Government Bill relating to wind turbines and advised that it recommended a minimum distance of 1500m for a 100m turbine and advised that the whole village would be within that distance. He believed that the application was motivated by profit enhanced by subsidies.

Mr Morton stated that local property valuers had advised that house values would fall if the proposed turbine was built. Any profits made by the applicants and landowners would be outweighed by the losses of the residents. Residents were not opposed to wind farms except when they were so close to residential properties. Cumbria had plenty of open land not close to houses. It did not make sense to erect 1 or 2 turbines generating so little energy in close proximity to houses.

Councillor Lishman (Ward Councillor) compared the proposed turbine to the Angel of the North on Tyneside and stated that not only would it dwarf that structure, it would be a working turbine not a static structure. The video presented did not have any sound and he was concerned about the impact that would have on residents. The site was the same as the application site rejected in 2008 on the grounds that the turbines were too close to houses and would have a detrimental impact on the living conditions of residents. People would have difficulty sleeping and would suffer from stress related illnesses. He understood there was a need for renewable energy but Cumbria had large amounts of land whose use would prevent communities becoming targets for such proposals.

In response, Mr Dodd (Agent) advised that if the Committee approved the application for 1 turbine the applicants would not pursue the following application for 2 turbines (Application 11/0597). He reminded Members that the Planning Inspector had not accepted the Committee's reasons that that development would have an adverse visual impact or would cause unacceptable harm to the character of the landscape, but that the justification for refusal was the impact on Cringles Farm and Beech Cottage. The applicants had taken those comments into account and the revised applications had reduced the number and height of the turbines. He believed that the visual impact would be minimal, a view demonstrated by the Officer's report.

Mr Dodd accepted that applications for wind farms were contentious but he believed that the revised application met all the reasonable concerns and objections. Previous and present Government recognised the need for wind farms and included a need for wind farm operators to make an annual payment to community benefit funds and an incentive for local councils to keep business rates paid by the wind farm operator. The report proposed that a single turbine would be unlikely to have the same impact as that which concerned the Planning Inspector and advised that the applicant had taken all comments into consideration and answered the questions and therefore had no valid reason for refusal.

The Committee then gave detailed consideration to the application.

A Member believed that there had been no significant change from the original application and moved that the application be refused.

A Member seconded the proposal that the application be refused and stated that he believed that it would have an impact on highway safety and it would be higher than Dixon's Chimney. The Principal Planning Officer clarified that the Joint Radio Company had confirmed that they had no objections to the application. The Member did not believe anything had changed from the first application. He added that there were alternative methods of renewable energy including hydro power which would be more suitable to the area but would return less profit.

A Member referred to a recommendation from the airport within the report for a more in depth assessment regarding safety. The Principal Planning Officer confirmed that that had been received and reminded Members that the airport had made no objections to the original application.

A Member agreed that the proposal should not go ahead. He believed that it would be irresponsible to approve the application in light of the Government White Paper currently under discussion. If constructed the structure would be in the area for 25 years and would affect a large number of people within a small area. The Member was also concerned about the proximity to the M6 motorway and the potential risks that could bring. He therefore was against approval of the application.

A Member reminded the Committee that the 2 properties most likely to be affected were 420m and 600m from the proposed turbine and that a few miles north that distance would have to be 1500m. She believed the turbine would be a distraction to motorists on the M6.

The Assistant Director (Economic Development) advised that minimum weight should be given to the emerging legislation as it was currently going through Parliament and had not been confirmed.

A Member stated that he did not believe anything had changed from the original application. He added that he believed that sustainable energy was appropriate if it was in the right area and he did not believe the proposed site was the right area.

A Member agreed with previous comments and stated that having looked at the evidence and the montages the proposed turbine was too close to Cringles Farm, Beech Cottage, the village and the motorway. He did not believe anything had changed from the Inspector's report.

The Planning Manager requested clarification that Members reasons for refusal were in relation to the visual impact on Beech Cottage, Cringles Farm and the village of Cumwhinton as well as the potential highway distraction. The Principal Planning Officer advised that the reason for refusal should focus on the impact on residential visual amenity rather than the potential highway distraction. Members agreed and it was:

**RESOLVED** – That permission be refused due to the proximity of Cringles Farm and Beech Cottage and the potential adverse impact that could be caused by the turbine.

At 11:00 Members held a two minutes' silence in respect of Remembrance Day.

**(2) Erection of 2no. wind turbines and associated infrastructure including hardstandings, on site trucks, construction compound, permanent meteorological mast, underground cabling, culverting, control building and upgraded site access from B6263, Newlands Farm, Carleton, Carlisle (Application 11/0597)**

The Principal Planning Officer (Development Management) submitted the report on the application. He outlined for Members the background to the proposal, design and site details, together with the main issues for consideration in determining the matter.

The proposal had been publicised by means of site notices, a press notice as well as notification letters sent to 112 neighbouring properties. In response 1198 letters or e-mails had been received of which 1193 raised objections, 2 made comments and 3 were in support. The Principal Planning Officer summarised the issues raised and support therein.

The Principal Planning Officer reported that the proposal was considered to be in accordance with the overall objectives of Government energy policy. That was in the context where Cumbria had a target of providing 201MW by 2010 with actual provision standing at 88MW. In addition, the County had relatively extensive areas designated as either a National Park or Areas of Outstanding Natural Beauty with other parts also sensitive, for example because of bird populations. The potential provision of on shore wind farms around Carlisle and its environs was also constrained by such features and designations as the Hadrian's Wall World Heritage Site, the Solway Coast AONB, North Pennines AONB and RAF Spadeadam.

The Principal Planning Officer explained that the application site fell within Landscape Character Sub Type 5b ie Lowland – Low Farmland. Under the Cumbria Wind Energy Supplementary Planning Document that landscape was acknowledged as having a capacity to accommodate schemes of 3-5 turbines, or exceptionally 6-9 turbines.

It was considered that no material harm was likely to arise incapable of effective control through conditions with regard to impact on living conditions of local residents by noise/disturbance or shadow flicker, and highway safety.

However, the Principal Planning Officer advised that the proposal would cause an oppressive and dominant visual impact for people living at Cringles Farm and, to a lesser extent, Beech Cottage. The severity of the impact outweighed the benefits of the proposal. In the context of a current outline application on neighbouring land for affordable housing it was recognised that there may be a change in view for people living in Beech Cottage. However, the proposed 2 turbine scheme, by potentially forming an oppressive and dominant presence with regard to some of the proposed affordable units could consequently hinder the Council's policy aspirations with regard to the effective provision of such at a time when the draft of the new Housing

Need and Demand Study estimated a need for 101 units in the “rural east” based on the results of a 2011 survey.

Since the report was produced there had been an e-mail from the Joint Radio Company who confirmed that they had no objections to the application and a letter from the Ward Councillor urging that the Committee refuse the application. A Member had also provided a statement against the application which the Principal Planning Officer had circulated immediately prior to the meeting. The statement suggested that the application should be refused and outlined the reasons for that suggestion.

There had also been further representations received making a total of 1100 representations of which 1095 were against the application.

The Principal Planning Officer advised Members that a steering group of representatives from all the Councils in Cumbria had overseen the preparation of the “Cumbria Renewable Energy Capacity and Deployment Study” in September 2011. The study highlighted that Cumbria needed to significantly increase its current level of deployment if the County was to meet the target figure by 2030.

The applicant had subsequently confirmed that there was no longer an intention to provide a WC on the site and that a Pollution Prevention Plan would be prepared prior to construction. In addition an updated report had been provided that identified no effect on the Airport. The Principal Planning Officer explained that while the Airport had not raised any objections to the previous scheme for 3 taller turbines it was not considered to be a ground for refusal. On that basis the Environment Agency had verbally confirmed that there was no wish to object to the application on the basis that the proposed Pollution Prevention Plan was the subject of a condition. Discussions had taken place with Natural England who had responded in a letter that bat monitoring may be required pre-construction and that the proposed removal of vegetation would have to be undertaken appropriately.

In conclusion the Principal Planning Officer recommended that the application be refused and that the reason in the report be amended to take account of the concerns raised regarding the proposed dwellings on land adjoining Beech Cottage.

The Principal Planning Officer presented slides of the site.

Mr Stamper, Mr Claxton, Mr Morton and Councillor Lishman confirmed that their reasons for objection were the same as for the preceding application (Application 11/0596).

Mrs Burton (Objector) stated that her objections were the same as the preceding application. She asked Members to consider that there was an application in the South of the Country to remove existing turbines after 8 years and replace with new ones of 4 times the output. She believed the applications submitted for consideration would be the thin end of the wedge.

Mr Mallinson (Objector) advised that he had written to object to the proposal and highlighted 3 key points of a compelling case for refusal. He reminded Members of

the significant issues in relation to wind turbine developments, namely the negative impacts on the landscape and landscape character, visual amenity, living conditions, the environment and safety. For the residents to the west of Cumwhinton the turbines would be a totally domineering presence and would be harmful to their well being.

Mr Mallinson's second point was that across Europe there was a minimum distance of 1500m required separating dwellings and turbines. That would not be the case in Cumwhinton. The paper currently, if it was passed, before Parliament would rule out the turbine being built in that area.

Thirdly, Mr Mallinson believed that the turbines would be the dominant feature on the landscape and in close proximity to dwellings. That was confirmed by the Council's consultant's report which concluded that the application should be refused.

Mr Dodd (Agent) confirmed that he had nothing to add to the submission given in respect of the preceding application.

The Committee then gave detailed consideration to the application.

A Member stated that he had considered the evidence with an open mind but he believed that nothing had changed from the original application and moved the Officer's recommendation for refusal. The proposal was seconded and it was:

RESOLVED: That approval of the application be refused for the reasons stated in the report and the additional reasons outlined by the Officer in the meeting

**(3) Proposed residential development including alterations to the public highway on South Western Terrace to form vehicle access, (Outline Application), Former WRD Currock yard, Off South Western Terrace, Carlisle (Application 10/0656)**

The Planning Officer submitted the report setting out the background to the application, together with a description of the design and site location. He reminded Members that the application had been deferred at the last meeting of the Committee to enable Officers to explore alternative access arrangements. Mr Hayward, the County Council's Highways Officer, attended the meeting to answer any questions Members may have raised. The Planning Officer outlined the main issues relevant to the proposal.

The application had been advertised through a combination of 3 site notices, a press notice and direct neighbour notification by letters sent to the occupiers of 161 properties on Lund Crescent, Adelphi Terrace, Red Bank Terrace, Red Bank Square, South Western Terrace, Coney Street and Currock Bank Court.

In response 24 letters or emails had been received, primarily from persons living on South Western Terrace. The Planning Officer summarised the issues and concerns raised.

The Planning Officer advised that the application site was located in a very sustainable location, near to the City Centre and in an established residential area of the City, could add to the stock of affordable housing in urban Carlisle and would bring about the re-use of previously developed land, a key objective on PPS3 and in accord with the Development Principles set out in Policy DP1 of the adopted District Local Plan.

There were no physical constraints, or service deficiencies, and suitable standards of open space and landscaping could be secured at detailed layout stage. Measures to safeguard nature conservation interests and to enhance biodiversity could be incorporated and detailed design criteria would safeguard future residents from adverse noise from railway activities. An appropriate access that was acceptable to the Highway Authority could be provided through improvement to South Western Terrace and at junctions on the wider network and enhanced access to footway and cycle access could also be achieved. Arrangements for future resident parking at South Western Terrace could also be secured.

The Planning Officer advised that assuming Members concurred with the analysis and they supported the principle of the site's development to add to the City's future housing stock, a Section 106 Agreement would be needed to cover the matters identified in the report. Any works needed to be undertaken within the highway would be formulated as part of a Section 278 Agreement with the County Council.

The Planning Officer explained that an additional access from Adelphi Terrace or Red Bank Terrace had been explored but ruled out for the following reasons:

- there was no direct access to the site from Adelphi Terrace or Red Bank Terrace
- there was a "private street" at the western end of both those roads so to carry out works would require the agreement of the residents that fronted those sections and it was believed that that would be unlikely
- there were significant changes in levels between the end of those roads and the site, and
- visibility splays out of Adelphi Terrace and Red bank terrace onto Currock Road did not meet current standards of the County Council.

The creation of a new access from Lund Crescent had been explored but that would require the demolition of 2-3 dwellings and was therefore unlikely to be a realistic option. A further option would have been to replace the Maryport Cottages footbridge with a road bridge. However that had been ruled out as the cost would be prohibitive. The Planning Officer advised that South Western Terrace would be the only available vehicular access. There would also be a pedestrian/cycle link via Adelphi Terrace and a connection to the footbridge that linked Lund Crescent to Denton Holme.

The Planning Officer advised that there would be a 15 space car park provided at South Western Terrace for use by residents and a lay-by that would provide further parking. A residents' parking scheme could be put in place if desired. In total there would be 29 parking spaces for 23 dwellings. There would also be improvements to the junction of South Western Terrace and Currock Road with the carriageway being

widened and double yellow lines at the top of South Western Terrace to prevent parking near the junction. Any amendments would have to be agreed with County Highways in consultation with residents. A Section 278 Agreement could be imposed to secure funding for grit bins to be provided.

County Highways had stated that they were happy with the access arrangements and had requested £51,000 to improve the existing footbridge and to advertise and implement a Traffic Regulation Order. The Planning Officer suggested that the Section 106 Agreement be worded flexibly so that the money could be used to improve the existing bridge or to part fund a new bridge.

The Planning Officer advised that 30% of the dwellings would be affordable and there would also be a contribution towards open space. In conclusion, the Planning Officer recommended that Outline Planning Permission be granted and that Officers be authorised to release the Notice of Decision subject to the completion of a satisfactory Section 106 Agreement to cover the matters set out in the report.

The Legal Services Manager advised a Member that as he was out of the room at the start of the Planning Officer's submission he would not be able to vote on the application but could speak if he wished.

The person who had registered a right to speak was not in attendance. Therefore the agent had no right of reply in respect of the application.

The Committee then gave consideration to the application.

A Member reminded the Committee that the application had been deferred to enable the access to be looked at and it had been determined that it would not be possible to amend the access. The Member asked Mr Hayward for an assurance that every step would be taken to keep the road clear and if possible for yellow lines to be the length of South Western Terrace. The Member understood residents' concerns but believed that the Council should do all they could to mitigate what may happen.

Mr Hayward advised that the imposition of a Traffic Regulation Order was a statutory process that the Committee could not determine or include as a condition. However he added that a contribution from the developer would be welcome. He stated that South Western Terrace was the width of a main street and that it would be possible to have parking along one side of the street and still allow 2-way traffic. The estate would be limited to 100 dwellings and that would lower the density of traffic.

The Member responded that he accepted the comments but added that he believed that there would be difficulties due to the deep access and exit on South Western Terrace that caused problems in winter. He requested clarification with regard to the Section 106 Agreement. The Planning Officer advised that £3950 would be available to fund an advertisement and the imposition of traffic regulations. Mr Hayward explained that the yellow lines would only be at the junction as it would be too expensive to continue them for the length of the road.

The Assistant Director (Economic Development) advised that the Section 106 Agreement had to be reasonable and proportionate as far as the application was concerned.

A Member was concerned about the single access and exit difficulties that could be experienced if that road was blocked and access was required by emergency vehicles. Residents had also raised concerns about commuters parking and asked whether parking would be restricted to residents.

The Legal Services Manager reminded Members that issues around Traffic Regulation Orders were not for determination by the Committee but for the Highways Officer to take back to the County Council. Mr Hayward advised that the County Council had control of car parking and that a management arrangement could be imposed by the developer and residents. On street parking would be controlled by double yellow lines but that was a statutory process that could take approximately 6-9 months for implementation.

The Legal Services Manager stated that the off street parking would be on developed land and that the developer could make an arrangement with the City Council.

A Member stated that the report referred to the Section 106 Agreement providing funding towards improvements to the footbridge. The Member advised that he was not convinced that the footbridge was ideal for improvement as there were steps and it was difficult to access with a bicycle. The Member stated that a new bridge was being considered which would cost £750,000 and he did not believe it would be unreasonable to ask for additional money in the Section 106 Agreement to help fund that new bridge. The Planning Officer advised that the money in the Section 106 Agreement had been determined by a formula and it would be difficult to increase the contribution. A Member believed it would be difficult to specify amounts for particular projects and queried whether that would be legal. The Assistant Director (Economic Development) advised that the Section 106 Agreement was controlled through legislation and that it needed to be proportionate and reasonable and that the Officer had done that. The Legal Services Manager added that it also had to be necessary for the development and reminded Members that determination was not for the Committee but should be passed to the relevant department within the County Council.

RESOLVED – That authority to issue approval be given to the Assistant Director (Economic Development) subject to the completion of a Section 106 Agreement as outlined in the report.

**(4) Residential Development (Outline), L/A Peter Lane bounded by Dalston Road, Cummersdale, Carlisle (Application 00/0439)**

The Principal Planning Officer (Development Management) submitted the report on the application, which was the subject of a site visit on 9 November 2011, setting out the background to the application, together with a description of the site and proposed design.

The Principal Planning Officer explained that in overall terms the principle of the development was acceptable and would assist in a long term strategy for the delivery of housing in that location as part of a significant residential extension to the south west of the City. Whilst no detailed designs had been submitted at the current stage an appropriate scheme could be negotiated through a subsequent Reserved Matters application.

The provision of the necessary drainage, education and highway infrastructure as well as the delivery of public open space and affordable housing could be secured through the completion of a Section 106 Agreement and imposition of planning conditions. A series of planning conditions were also recommended to control detailed aspects of the design and to prevent any potential adverse effects that might occur without such controls. In all aspects the proposal were considered to be compliant with the objectives of the relevant Local Plan policies.

The Principal Planning Officer presented slides of the site to clarify the position of the site for those Members who were not able to attend the site visit. He advised that while the site appeared to be isolated from the City it actually formed part of a much larger allocation in the Local Plan.

In conclusion, the Principal Planning Officer recommended that authority to issue approval of the application be granted subject to the completion of a Section 106 Agreement to secure the issues raised in the report.

Mr Hetherington (Objector) stated that residents of Grace Lane had concerns about public safety on Dalston Road. He noted that the Highways Authority had raised no objections to the application and stated that he believed that information was missing from the submission by WYG. He explained that the information from Capita was inaccurate as it stated that there had been no accidents at the Peter Lane/Dalston Road junction in the previous 3 years. That was not correct as there had been 2 cars written off at that junction. The report made no reference to Grace Lane other than drawing attention to it as a public footpath and proposed link to the Northern Cycle Network which would draw more people to it. Mr Hetherington advised that while Grace Lane provided access to 3 dwellings 2 of those were smallholdings.

Mr Hetherington added that Grace Lane also provided access to a timber yard served by pickup trucks and there were 2 substantial plots of land and grassland that were use to take silage. While there was access from both Dalston Road and Grace Lane, the latter was the preferred access. The number of people using Grace Lane would be increased by the development and that would lead to an increase in the number of safety hazards with people crossing Dalston Road and turning out of Grace Lane and Peter Lane.

Mr Hetherington continued to explain that the report by WYG made provision of a pedestrian/cycle link to Grace Lane. He did not believe that would be possible as the verge alongside the hedge and ditch tapered and would not be wide enough for a footpath.

Mr Hetherington proposed that:

- a roundabout be built at the junction of Dalston Road, Peter Lane and Grace Lane
- that the roadside hedge be removed from the field bounding Dalston Road and Grace Lane and replaced with a barrier
- that the 40mph speed limit be extended to 50m to the south of the junction
- that a pelican crossing be installed mid way between the exit from the proposed development and the junction, and
- that the application be refused if any of the above could not be considered.

The Committee then gave consideration to the application.

In response to a query from a Member the Principal Planning Officer explained where a pedestrian crossing would be installed. He added that a cycle refuge would also be installed. The Principal Planning Officer reminded Members that the application was for outline approval and that highway issues would be dealt with under a Reserved Matters application.

A Member stated that it was obvious on the site visit that the junction was a busy one and she believed that there ought to be something in place to allow traffic at the junction to feed in. The Member thought that the issue of a roundabout at the junction should have been requested as part of the larger development. The Principal Planning Officer explained that in 2000 the Highway Agency wanted a roundabout but following information from the highway consultant that was not now required. He agreed that there was traffic queuing while Members attended the site visit but that the main access would be onto Dalston Road. In the Officer's view most of the traffic would turn left towards to City Centre or into the District Centre via the estate itself, and therefore, it was questionable whether a roundabout would be necessary.

A Member believed that although there were few accidents recorded there were probably several near misses as the road was a fast one and there was a dangerous junction. He believed that the opportunity should be taken to install a roundabout or the chance would be lost forever.

The Principal Planning Officer advised that the Highways Agency had confirmed that if there was a problem at the junction they would install traffic lights. He stated that he could request further investigation but the applicant may refuse to provide either a roundabout or traffic lights as neither had been requested by the Highway Authority. He believed that extending the 40mph limit along Dalston Road may allow easier access from Peter Lane onto Dalston Road.

A Member advised that there was an increasing amount of traffic in Dalston and it would be the nearest place for shopping for residents of the proposed development. He added that he would be in favour of objecting to the application if there was no roundabout as he did not believe the current road layout could cope with increased traffic flow.

The Assistant Director (Economic Development) reminded Members that the principle of the development was acceptable and that the highway issues were reserved matters that could be given more thought if a full application was submitted. The Highways Officer, Mr Hayward, stated that the development was a small site and part of the whole Morton Master Plan and that the junction of Peter Lane with Dalston Road did not operate beyond its capacity. With regard to access accidents were not always reported to the police and therefore the data submitted was based on reportable accidents. He believed that the junction functioned well and that a reduced speed limit would assist the flow of traffic from the junction. He did not believe there was any justification for a roundabout but suggested that an area of land be reserved for a roundabout when the full application was submitted.

A Member agreed with that suggestion. He added that he was not sure whether traffic lights would help the situation at the junction as they tended to cause a back log of traffic. When the full application was submitted the debate about the roundabout could be held at that point.

It was moved and seconded that the application be approved.

A Member stated that the development would provide 160 units as part of the Morton Master Plan and that the application lacked vision with regard to the highway. He advised that he travelled along the road regularly and traffic was frequently backed up.

The Legal Services Manager reminded Members that the application was for outline approval with matters reserved and that it could come back to the Committee for consideration. She added that the current highway issues were not caused by the development.

RESOLVED – That authority to issue approval be given to the Assistant Director (Economic Development), subject to the conditions indicated in the Schedule of Decisions attached to these Minutes.

**(5) Restoration and conversion of Kirklington Hall, stable block and coach house into 13no dwellings; erection of new wing containing 5no. dwellings; construction of walled enclosure comprising garage court and additional parking incorporating 4no dwellings, formation of new vehicular/pedestrian access, Kirklington Hall, Kirklington (Application 08/1018)**

The Planning Officer submitted the report on the application which was the subject of a site visit on 9 November 2011, and outlined the background to the application and described the design and site of the proposal.

The application had been advertised by means of a site notice, press notice and the direct notification to the occupiers of the 7 neighbouring properties. Five letters of objection had been received and the Planning Officer summarised the main issues.

The Planning Officer advised that planning policies generally restricted development in the countryside unless for a proven need or unless material considerations

counterbalanced the policy presumption. The proposal required a careful weighing up of the need and benefits securing the future of the Listed Building which was acknowledged to be increasingly at risk.

The Planning Officer explained that the total amount of housing would represent a small hamlet equivalent to Kirklington. The proposal would consolidate residential development in the open countryside although that was mitigated by the topography of the land together with the layout of the proposed scheme and landscaping proposed.

The layout, scale and design of the development were acceptable and the proposal would not adversely affect the character or appearance of Kirklington Hall, its outbuildings or their settings. However the proposed development was unlikely to be viable and therefore the alleged benefits of restoring the Hall were not likely to materialise. The Planning Officer advised that as an enabling development the proposal seriously failed any reasonable test of how the funds would be generated, retained by, and allocated to, the project which was to be enabled. The English Heritage guidance gave a clear steer as to the criteria and tests to be satisfied, and the robust discipline which had to be demonstrated where an exceptional planning permission was being requested which could not normally be achieved by any other development proposal. The advice given to the Council by independent consultants was that the financial case presented did not result in a viable assessment of the proposal.

The Planning Officer drew Members' attention to the Supplementary Schedule where additional correspondence from the applicant's agent in support of the application was reproduced. The Planning Officer presented slides of the site.

The Officer's report concluded that there was no basis for approving the proposal as an enabling development and therefore the application was recommended for refusal.

Ms Paish (Objector) stated that she had lived in the area for 14 years and regularly used the footpath that skirted the boundary of the site to the river. She added that she was concerned about the lack of highway safety as the access was on a blind corner with no verge and any development of that area would require woodland to be removed. The road was currently used by lorries servicing the peat works although that was due to close next year. Ms Paish's understanding was that the development was not in keeping with the area and that she did not have any issue with preserving the Grade II Listed Building in its present condition. She explained that although she was not sure how long the current owners had owned the property they had made no attempt to conserve the building. Ms Paish believed that owners of a Listed Building had an obligation to maintain and improve the property. She believed that the 22 proposed properties would be box like and not in keeping with the Listed Building.

Ms Paish advised that the photographs presented had been taken some while ago and that while the coach house roof was originally slated there were none there now. There had been a lot of theft and police were regularly called to the area. Nothing had been done to maintain the boundary.

Ms Paish stated that she was concerned about sewage from the proposed development. She had a sewage treatment plant for 4 dwellings and she believed that there needed to be harsh controls in place as she did not believe that residents of 22 properties would conform to the requirements of a sewage treatment tank. There could be contamination in the river. The property was in a conservation area and should be maintained as such.

Ms Paish informed Members that lorry drivers occasionally lost their way in the area and stated that the wall of her property had been hit by lorries on a number of occasions.

In response, Mr Telford (Agent) stated that he was speaking with regard to the application and the following application (Application 08/1019) in respect of the Listed Building Consent. He stated that he understood the peat works was to close within 2 years but that the development of the hall would take some time. He added that traffic to the nightclub that was previously on the site would have been more substantial and at a more unsociable hour than that produced by the proposed 22 units. Mr Telford wanted to ensure that the hall was restored and required the enabling development to provide the funds to do that. The development would be in 2 parts which would remove traffic from the front of the building. The development of the garages would be traditional in style with 1 dwelling in each of the 4 corners. The development of the wing would be a further phase and that would be developed over time. English Heritage had been involved in the site since 2008 and stated that they had no objections to the proposals and welcomed the restoration. The Council's Conservation Officer was of the same opinion.

With regards to viability Mr Telford believed that the proposal was viable and if the application was refused there would not be a revised scheme submitted as the application was the minimum required to secure funding for the enabled development. The Section 106 Agreement would provide funding for the open spaces and sewage works as well as the setting up of a management agreement. If approved and the minimum requirements accepted the Section 106 Agreement could be used to enable the restoration of the building first and enable funds to be secured for the development of the building.

The Committee then gave consideration to the application.

A Member requested clarification regarding a report from the Council's drainage engineer. The Planning Officer advised that the drainage engineer had made no comments.

The Member noted that the County Highways Officer had advised that the development was in an unsustainable location. The Member reminded the Committee that there were many rural locations that did not have public transport. He believed that if the application were refused it would be a missed opportunity to restore a building of such architectural merit. He was not happy that the building had been allowed to deteriorate to such a condition and added that the Council had authority to encourage the owners to do something with the building. He accepted that the application included the minimum required to enable funding to be secured

and believed that the property would not be restored if there was no way to fund it. He acknowledged that there were highway issues but believed that they could be resolved. The Member moved approval of the application.

A Member stated that he agreed with the previous comments and believed that Members had to be realistic in what the developers could do with the building and enable them to obtain some return on their investment. While there were highway issues he believed that the opportunity to restore the building should be taken otherwise it would be a pile of rubble in a few years time.

A Member stated that while she had not seen the building in its heyday it was obvious that it had been a grand building that was in a poor state now and would only deteriorate further. She added that nothing would be done to the building if the application was not approved as that would help to obtain funding towards the restoration. She believed that the property should be brought back into use. It was not visible from the highway and the new build would not be visible from the highway or the footpath. The Member seconded the proposal to approve the application.

A Member informed the Committee that he could remember the building as a nightclub and believed that approval of the application was the way forward and should be done now. He was of the opinion that the people who would purchase the properties would not necessarily rely on public transport and that an opportunity would be missed if the application was not approved.

The Assistant Director (Economic Development) advised that she understood the Members' concerns and that normally permission for new dwellings in that area would not be granted. If the application was approved a Section 106 Agreement could be imposed to ensure work to secure the Listed Building was completed before enabling the development.

A Member believed that the restoration and development was a financial risk. She added that the development would be a continuation of the Rural Wheels project.

A Member acknowledged the comments from the Assistant Director and stated that in an ideal world that work would be done first. However he believed it would be unfortunate if the restoration was not carried out due to lack of funding and added that it would be the developers who would be taking the financial risks. The Member was concerned that if a Section 106 Agreement was imposed it could restrict restoration of the building but agreed that there needed to be something in place to ensure development of the site.

The Legal Services Manager advised that the developer had offered the Section 106 Agreement and added that that was the best way to secure that the restoration works were completed before the new build development.

**RESOLVED** – That authority to issue approval of the application be given to the Assistant Director (Economic Development) subject to the completion of a Section 106 Agreement to secure the submission and subsequent implementation of a phasing programme and a management plan.

- (6) Restoration and conversion of Kirklington Hall, stable block and coach house into 13no dwellings; erection of new wing containing 5no. dwellings; construction of walled enclosure comprising garage court and additional parking incorporating 4no dwellings, formation of new vehicular/pedestrian access, Kirklington Hall, Kirklington (LBC) (Application 08/1019)**

The Planning Officer submitted the report on the application which was the subject of a site visit on 9 November 2011, and outlined the background to the application and described the design and site of the proposal.

The application had been advertised by means of a site notice, press notice and the direct notification to the occupiers of the 7 neighbouring properties. Five letters of objection had been received and the Planning Officer summarised the main issues. The Planning Officer advised that there was no objection to the Listed Building subject to an amendment to condition 3 that would include reference to the window material. The application was therefore recommended for approval.

The Chair reminded Members that the issues around the Listed Building consent were the same as those discussed during consideration of the previous application (Application 08/1019). Therefore it was:

RESOLVED – That permission be granted.

- (7) Temporary consent for retention of existing steel palisade security fences located at each end of Viaduct for a further three years, Waverley Viaduct, River Eden, Willowholme, Carlisle (Application 11/0595)**

Having declared a personal and prejudicial interest in the application Councillor Whalen left the meeting and took no part in the consideration of the application.

Having declared a personal interest Councillor Craig remained in the meeting and contributed to the consideration of the application.

It was agreed that the application would be considered in conjunction with the following application 11/0701 as they related to the same development.

The Planning Officer submitted his report providing background information, together with details of the application site.

A Member stated that the application was an important one looking at the retention of steelwork on the viaduct. As it had been some time since Members had visited the site he suggested a site visit should be undertaken. That proposal was seconded.

The Chairman advised those people who had registered a right to speak that they could speak at the current meeting or when the application was brought back to Committee for consideration. All agreed to defer their right to speak to a future meeting.

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

**(8) Temporary consent for retention of existing steel palisade security fences located at each end of Viaduct for a further three years, Waverley Viaduct, River Eden, Willowholme, Carlisle (LBC) (Application 11/0701)**

Having declared a personal and prejudicial interest in the application Councillor Whalen left the meeting and took no part in the consideration of the application.

It was agreed that the application would be considered in conjunction with the previous application 11/0595 as they related to the same development.

As it had been agreed that the preceding application would be deferred to allow a site visit to be undertaken it was:

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

The meeting was adjourned at 12:25pm and resumed at 1:10pm.

Councillor Whalen returned to the meeting.

**(9) Erection of single wind turbine (height to tip 65 metres) Orton Grange Farm, Dalston, Carlisle (Application 11/0208)**

Having declared a personal interest the Legal Services Manager (Mrs Liddle) remained in the room to provide legal advice if required.

The Planning Officer submitted the report providing background information, together with details of the design and application site. She outlined for Members the main issues for consideration in determining the matter.

The application had been advertised by means of site and press notices as well as notification letters sent to neighbouring properties. In response 6 letters of objection had been received and the Planning Officer summarised the grounds of the objections.

The Planning Officer advised that the proposal involved the erection of a single turbine to serve the needs of the Orton Grange business consortium, with the possibility of spare capacity feeding into the National Grid. She informed that the National Planning Policy promoted targets for renewable energy and looked to Local Authorities to support proposals for renewable energy developments which did not have unacceptable impacts. Taking account of the scale and technical specifications of the proposal, as well as the levels of screening from nearby properties, and the existing electricity pylons, it was considered that the turbine would not have a

detrimental effect on the character of the landscape or cause unacceptable harm to the living conditions of neighbouring residents.

The Planning Officer presented a video of the site from various locations. She advised that no footage had been taken from the north or north-west as woodland blocked the site from view from the majority of viewpoints.

In conclusion, the Planning Officer advised that it was considered that the proposed development accorded with the provisions of the Carlisle District Local Plan 2001-2016 and, as there were no material considerations which indicated that it should be determined to the contrary, it would be determined in accordance with the Local Plan and, as such, was recommended for approval subject to the imposition of appropriate conditions.

Mr Little (on behalf of the Ward Councillor) stated that he represented the views of the local residents and the Parish Council. He had listened to the views regarding wind turbines in respect of visual impact, noise and the effect on the landscape. He believed that due to the height of the proposed turbine there would be an adverse effect on the area. He acknowledged that there were a number of electricity pylons but stated that they were constructed in grey angle iron and were static. The turbine would be a solid construction and would be moving. He added that the pylons were only 1/3 of the height of the proposed turbine. With regard to screening by trees in the area Mr Little believed that the tallest tree was only half the height of the pylons and therefore the turbine would be visible for miles around.

Mr Little advised that there were bats in the area and stated that turbines could have an adverse impact on the bat population in the area. Therefore he requested that the application be refused.

In response, Mr Gray (Agent) stated that he had heard the discussions relating to the wind turbine near Cumwhinton but advised that the turbine proposed for the site at Orton Grange Farm was half the height and further from the road. He added that there were 3 main issues for consideration. They were:

- the opportunity to support local businesses
- the opportunity to provide clean and renewable energy, and
- whether the application complied with the Council's policies with regard to noise, road safety and bats and was in compliance with national guidance.

Mr Gray added that Natural England, English Heritage, RSPB, the Environment Agency and the Highways Agency were all satisfied that the application was appropriate. He acknowledged that wind turbines were an emotive issue but he believed the fact that there had only been one person speaking in objection of the application indicated that the proposed turbine was on a good site. The video footage had negated the need for a site visit and would therefore avoid delay if the application was approved.

The Committee then gave consideration to the application.

The Planning Officer, in response to a query from a Member, confirmed that the substation already existed.

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

It was noted that Councillor Morton did not vote on the application as he had not been in the room at the start of the discussions on the application.

**(10) Change of use of land from agricultural to domestic garden; erection of general purpose building, Ardneil, Aglionby, Carlisle (Application 11/0716)**

The Planning Officer submitted the report setting out the background to the application, together with a description of the site and proposal.

The application had been advertised by means of a site notice and notification letters sent to 5 neighbouring properties. Five letters of objection had been received and the Planning Officer summarised the issues raised.

The Planning Officer presented slides of the site including the site of the previous village hall and the land owned by the applicant to the rear of the site. He advised that the storage would be used for agricultural equipment and domestic storage and that the existing shed would be removed. A right of way over a neighbour's land was currently in dispute but that was not a planning matter. The shed had been designed so that it could be accessed from the applicant's own land if it could not be accessed over the neighbour's land. However that would require the creation of a new access.

The Planning Officer also confirmed that the applicant had written to confirm that he would not be running a business from the site.

In conclusion the Planning Officer explained that the scale and design of the proposal would be acceptable and would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. In all aspects the proposal was compliant with the objectives of the relevant adopted Local Plan policies. Conditions had been added to ensure that the building was not used for business purposes and to ensure the removal of the existing shed. Therefore the application was recommended for approval.

Mr Pont (Objector) stated that he lived opposite the proposed site and that he did not believe the proposed structure would enhance the village and queried why such a large structure was required for domestic garden equipment as it would be 2-3 times larger than a normal double garage. He believed it would be out of sympathy with a small village and that it would be visible from the highway.

Mr Pont was also concerned about the construction material and added that industrial profile sheeting was again out of sympathy with a rural village. Mr Pont added that planning was sought for a new accommodation area with up to 4 vehicles

and since the applicants had moved to the area there had only ever been 1 white van in the vicinity.

Mr Dervin (Objector) advised that he had lived in the area for 24 years. He stated that the report referred to a change of use of the land to “domestic garden and for the erection of a general purpose agricultural building on part of the site of the former village hall”. Mr Dervin queried whether the use was domestic or agricultural and added that in his opinion the application was flawed from the outset. Mr Dervin believed that the intention to replicate the former village hall would not require permission. He advised that the scale of the proposed building would make it the largest domestic outbuilding in Wetheral. Others in the area were more reasonable in terms of scale and size and matched adjoining buildings.

Mr Dervin advised that there had been a longstanding dispute over access but acknowledged that that was not a planning matter but did have a detrimental impact on his life. He added that lorries drove up and down his driveway and that, he believed, was dangerous and distressing.

Mr Dervin stated that he supported people who were trying to improve their lives provided it was done in the context of the environment and neighbours. He did not believe the application met any Council policies but showed a lack of understanding of what a small village was and how residents lived together.

The Committee then gave consideration to the application.

In response to a query from a Member the Planning Officer confirmed the size of the proposed building to be 75 sq m and that it would be for the storage of agricultural equipment and for domestic storage.

A Member queried why the application was a change of use if the proposed building was to house agricultural equipment. The Assistant Director (Economic Development) explained that the application was an attempt to regularise the situation in respect of the house, garden, agricultural aspect and the former village hall to ascertain what the site could be used for.

A Member was not convinced that the site was agricultural and was confused how the building could be for both domestic and agricultural use and therefore he believed that the application should be refused.

The Planning Officer explained that the application was for a general purpose building and did not believe that there was an issue with regard to the building being used for both domestic and agricultural purposes. The Assistant Director advised that the matter was not straightforward and that there was a mix of uses previously and that was what the applicant now wanted.

A Member requested confirmation in respect of light and shadow impact from the proposed building on neighbouring properties. The Planning Officer confirmed that the ridge of the building would be set back 4 metres from the boundary and a minimum of 12 metres from the rear elevation of the neighbouring dwelling and

would be slightly offset. He confirmed that it would not be higher than the surrounding properties.

A Member requested further clarity over the change of use as he believed there was some ambiguity about the use of the building. He added that in his opinion the proposed building would be a big building, not just a shed. In accordance with Policy CP6, if the building was to store agricultural equipment it would not be appropriate for the area and would be too large. The Member believed that if there could be some negotiation with the applicant to reduce the size of the proposed building he would not have a problem with it. He acknowledged that the applicant had to store the equipment but believed that there would be little room for a garden as the proposed building would take up most of the site. The Assistant Director stated that the hardstanding was already in place and that it gave an indication of the size of the proposed building. The Member stated there would be no space available for garden. The Planning Officer confirmed that the proposed building would be half the size of the previous village hall.

The Assistant Director (Economic Development) suggested that, as there had been a lot of discussion, it may be useful to undertake a site visit.

A Member moved that the application be refused as he did not accept that the proposed building would be a replacement for the previous village hall. He stated that the application should be refused under Policy CP6 as it was of an unacceptable scale and would be visually intrusive and not in keeping with the locality.

A Member seconded the proposal to refuse the application.

The Planning Officer, in response to a query by a Member, confirmed that the comment in the report regarding the proposed building being used by the applicant to run a business was a comment made by an objector and had been refuted by the applicant.

A Member proposed that a site visit be undertaken to clarify the position of the site. The proposal was seconded.

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

## **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.

Councillor Whalen left the meeting at 1.55pm.

**(11) Erection of 8no holiday let units, Land adjacent to Townhead Cottage, Hayton (Application 11/0690)**

The Principal Planning Officer (Development Management) submitted the report setting out the background to the application together with a description of the site and proposed design.

The application had originally been advertised in the form of a site notice and the direct notification of the occupiers of 10 neighbouring dwellings. In response a total of 10 formal objections from interested parties and a single formal comment had been received. The Principal Planning Officer summarised the issues and queries that had been raised

The Principal Planning Officer advised that when considering the location of the proposal it was appreciated that Townhead was not within the settlement boundary of the Local Service Centre at Hayton, and that the scheme would largely be dependent upon the use of private vehicles. However, there was an apparent locational need to site the proposed accommodation within or adjoining the Estate. There was no evidence that existing facilities would be overwhelmed and/or there were existing problems of social tension or lack of community spirit. There was no reason to believe that guests would cause, or make worse, any social discord. The proposed units were shown to be positioned such that they would be set back from the road within an excavated area and therefore largely screened by the existing trees on Whinhill Wood and the slope of the land. The proposed design and scale of the holiday units, with their use of vernacular details and traditional materials, was similar to that already approved concerning the replacement dwelling at Townhead Cottage. The proposed holiday lets were also located over 20 metres to the south of Woodleigh and, because of the distance, blank facing elevation, drop in levels and intervening vegetation, would not lead to problems associated with losses in privacy and overshadowing. It was considered that the proposal would lead to an increase in noise and disturbance but not at a level that would sustain an amenity objection. The applicant had also agreed to the provision of bat friendly roof tiles/slates to enhance existing provision within the area, and the scheme revised by the introduction of a disabled standard WC and wet room to proposed unit 7 which was also connected at ground floor level to unit 6.

The Principal Planning Officer presented slides of the site and nearby woodland. In conclusion the Principal Planning Officer recommended that the proposal be approved.

The Committee then gave consideration to the application.

A Member stated that it was difficult for Members to get an overall picture of a development when those developments were presented in various applications over a number of meetings. The application was the second in relation to the development in Townhead and it would be more difficult to determine the knock on effect of those developments than if the applications had been presented at one meeting. The Member believed that there had been concerns expressed regarding affordable housing.

The Assistant Director (Economic Development) advised that Officers had worked with the applicant with regard to the Master Plan to see the plans for the area and stated that only 2 were relevant to the Townhead site.

The Principal Planning Officer explained that the intention was for the new build to be constructed into the existing slope.

A Member noted that the report stated that the application was for holiday accommodation but he believed that it was in fact for people at shooting events. The Member had sympathy with young people in Hayton who needed accommodation and added that if the application had been for permanent or affordable accommodation it would have been refused on the grounds of sustainability. The Member also expressed concern at the application being presented to the Committee in stages as it was difficult to see the overall effects of the development. The Member stated that he would abstain from any decision made on the application.

A Member believed the application to be planning creep and queried whether the shooting activities were existing. The Principal Planning Officer advised that shooting already took place on the Estate and that other activities such as walking tied in with the shooting. He confirmed that the accommodation was primarily for people engaged in shooting activities but that outwith the shooting season the accommodation was still available as holiday accommodation. The Principal Planning Officer further confirmed that discussion had taken place with Cumbria Constabulary with regard to the secure storage and possible licensing of firearms.

A Member was disappointed that the development was not for the benefit of the residents of Hayton and he believed it to be a purely financial venture for those involved with shooting activities.

A Member stated that he believed that the development would bring economic growth into the area. He added that while it may not help tourism people who were prepared to spend a substantial amount on shooting activities would potentially also have an economic impact on the local economy. He added that the development was a commercial venture by someone trying to run a business.

The Principal Planning Officer advised that with regard to employment the estate currently employed 9 staff who would be retained but added that numbers may be increased.

A Member disagreed that the proposed accommodation would bring economic growth to the area as it was more likely that people using those units would probably favour self catering and would not contribute to tourism in the area.

A Member noted that the report stated that local authorities should “wherever possible locate tourist and visitor facilities in existing or replacement buildings” and “new self catering accommodation in isolated rural locations where there would be a total reliance on a private motor vehicle is generally not deemed to be sustainable in terms of current ministerial and development plan policy”. The Member stated that

the application was for a new build and was not replacing buildings and was therefore not within an existing settlement.

The Principal Planning Officer explained that the report stated that “facilities requiring new buildings in the countryside should, where possible, be provided in, or close to, service centres or villages but may be justified in other locations where the required facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available for re-use”. The plan showed the relationship to Townhead and showed Hayton as the local service centre. He added that shooting was one of the purposes of the holiday lets. However he acknowledged the comments regarding sustainability.

A Member stated that the strength of feeling of the local residents was indicated by the fact that there was no-one who had registered a right to speak against the application.

The Ward Councillor was invited to give the views of local residents. He stated that residents did not want the development to go ahead and added that the road was not adequate for the development and that it would serve no purpose to the village.

The Assistant Director (Economic Development) reminded Members that there had been no objections regarding the highways. The Principal Planning Officer also advised that people involved in shooting events would be transported to and from the site.

Following a vote it was:

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

**(12) Relocation of farmhouse and farm associated shed, Knockupworth Farm, Burgh by Sands, Carlisle**

The Principal Planning Officer (Development Manager) submitted the report setting out the background to the application, together with a description of the site and proposed design.

The application had been advertised by means of a site notice and notification letters sent to 3 neighbouring properties. No verbal or written representations had been made during the consultation period.

The Principal Planning Officer advised that in overall terms the applicant had demonstrated a clear need to relocate the farm steading and therefore the principle of the development was acceptable. The need overrode any potential adverse impact on the landscape character of the area which may arise as a consequence. Notwithstanding that fact, the scheme had been designed to limit its visual impact as well as its carbon footprint. In all aspects the proposals were considered to be compliant with the objectives of the adopted Local Plan policies.

The Principal Planning Officer presented a slide that illustrated the land that formed part of the agricultural holding. He stated that the farmland had always been split in 2 by the road leading from Carlisle to Burgh by Sands. However the construction of the Carlisle Northern Development Route (CNDR) had resulted in the farm being split further into 4 segments with the existing farm located in the eastern quadrant on the Carlisle side of the by-pass. There were clear operational difficulties in operating the farm from the eastern side of the CNDR and therefore it was proposed to relocate the farm to the north western quadrant.

In conclusion the Principal Planning Officer stated that if Members were minded to grant planning approval it was requested that 'authority to issue' the approval be given subject to the completion of a Section 106 Agreement to ensure that the resident's use rights of Knockupworth Cottage were extinguished upon occupation of the proposed farmhouse.

RESOLVED – That authority to issue approval be granted to the Assistant Director (Economic Development) subject to the completion of a Section 106 Agreement to ensure that the residential use rights of Knockupworth Cottage were extinguished upon occupation of the farmhouse proposed in the application.

**(13) Demolition of existing workshops and stables; erection of 4no. dwellings, L/A Iona, Gelt Road, Brampton (Application 11/0733)**

It was agreed that the application would be considered in conjunction with the following application 11/0734 as they related to the same development.

The Planning Officer submitted the report setting out the background to the application, together with a description of the site and proposed design. He stated that the application was to demolish a large shed and stable block and replace it with 4 dwellings. The dwellings would be sited within the settlement boundary therefore the proposal was acceptable in principle.

The application had been advertised by means of a site and press notices and notification letters sent to 9 neighbouring properties. Five letters of objection had been received and the Planning Officer summarised the issues raised.

The Planning Officer advised that in overall terms the proposal was acceptable in principle. The scale, siting and design of the proposed dwellings were acceptable in relation to the site and the surrounding properties. The proposal would not have an adverse impact on the Brampton Conservation Area or on the living conditions of the occupiers of any neighbouring properties, through loss of light, loss of privacy or over-dominance. Adequate parking and amenity space would be provided to serve the new dwellings. In all aspects the proposals were compliant with the objectives of the relevant Local Plan policies.

The Planning Officer confirmed that the dwellings would be of a traditional design and that the design was acceptable to the Council's Heritage Officer and the impact of the Conservation Area and neighbours would be acceptable.

The Planning Officer stated that some concerns had been raised about the level of traffic that would be generated by the proposed development and the impact that would have on Gelt Road which had no pavement for part of its length and some bad bends. The increase in traffic from the proposed dwellings would not be significant enough to have an adverse impact on highway safety on Gelt Road. He confirmed that the site had sufficient parking.

Therefore the Planning Officer recommended that the application be approved subject to the completion of a Section 106 Agreement to provide a contribution for affordable housing.

The Committee then gave consideration to the application.

A Member stated that he had no objection to the development and believed that it would tidy up the area. However the Member was of the opinion that there were too many dwellings and that the site would be overdeveloped. He did not believe there would be adequate parking for the site and that cars would have to be parked in front of one another and therefore people would park on the road. The Member noted that the report stated that the County Highways were satisfied with the proposals but the lack of footpath, bad bend and a section of the road subject to overhanging branches was a concern to residents. The Member queried whether some of the Section 106 Agreement could be used to create a footpath.

The Planning Officer advised that there was a policy requirement for affordable housing. The money from the Section 106 Agreement could be pooled with other money to provide affordable housing in the area. Highways had not asked for the creation of a footpath further down Gelt Road and it would be unreasonable to expect the applicant to provide a footway some distance from the site.

RESOLVED – That authority to issue approval be granted to the Assistant Director (Economic Development) subject to the completion of a Section 106 Agreement to cover a financial contribution towards the provision of affordable housing.

**(14) Demolition of existing workshops and stables; erection of 4no. dwellings, land adjacent Iona, Gelt Road, Brampton (Application 11/0734)**

It was agreed that the application would be considered in conjunction with the previous application 11/0733 as they related to the same development.

The Planning Officer submitted his report setting out the background to the application, together with a description of the site and proposed design.

The application had been advertised by means of a site and press notices and notification letters sent to 9 neighbouring properties. One letter of objection had been received but the issues raised were associated with planning application 11/0733 and as a consequence they were added to that application.

In conclusion the Planning Officer reported that the proposal would not have an adverse impact on the character or appearance of the Brampton Conservation Area and it was recommended that approval of the application be granted.

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

**(15) Erection of 1no. 15kw wind turbine with a hub height of 15.4m (height to tip 21m) and all associated works, Park House Farm, Wreay (Application 11/0549)**

The Planning Officer submitted the report on the application. She outlined for Members the background to the proposal, design and site details, together with the main issues for consideration in determining the matter.

The application had been advertised by means of a site notice and a notification letter sent to 4 neighbouring properties. No verbal or written representations had been made during the consultation period.

The Planning Officer advised that the proposal involved the erection of a relatively small turbine to serve the needs of Parkhouse Farm, with the possibility of spare capacity feeding into the National Grid. Taking account of the modest scale and technical specifications of the proposal it was considered that it would not have a detrimental effect on the character of the landscape or cause unacceptable harm to the living conditions of neighbouring residents.

The Planning Officer informed Members that since the reports had been submitted there had been further comments received from the Highways Department relating to the private road access to the site. Those related to the railway bridge on the lane to the farm and highways had raised concern about the possible damage to that structure during the transporting of the turbine to the site. As such they recommended that Network Rail should be contacted. It had not been possible to speak with anyone from Network Rail. However, due to the small size of the turbine it was considered that the means of its transport to the site was unlikely to cause any issues, particularly when considered in relation to the large scale agricultural machinery, tractors, trailers and tankers that regularly travelled up and down the lane, over the bridge, to the farm. However, if Members shared the highway department's concerns a condition or informative could be included on any granting of permission to recommend that the applicant contact Network Rail with details of the proposed method of transportation prior to the commencement of the development.

The Committee then gave consideration to the application.

A Member stated that if Network Rail was alerted in advance of the start of the development he would be happy to move the Officer's recommendation for approval.

RESOLVED – That permission be granted, subject to the development of a transport plan.

**(16) Erection of feed bins for cattle housing building (retrospective),  
Keysmount Farm, Blackford, Carlisle (Application 11/0398)**

The Planning Officer submitted the report setting out the background to the application, together with a description of the site and proposed design.

The application had been advertised by means of a site notice and no written or verbal representations had been received.

The Planning Officer advised that in overall terms the agricultural development was of a scale and design that was appropriate. The character and appearance of the area was not adversely affected to such a degree as to warrant refusal of the application. The development did not pose any issues in terms of affecting the living conditions of the occupiers of any neighbouring properties and in all aspects the proposal was considered to be compliant with the objectives of the relevant Local Plan policies.

The Planning Officer explained that the structures were still subject to an application to the Highway Authority to stop up the highway. Planning permission could not be granted until such time as an application had been approved but that process was detached from the planning application. In the event that such an application was unsuccessful the applicant would be required to withdraw the application and enforcement action may be initiated to remove the structures and concrete base.

In conclusion the Planning Officer recommended that approval of the application be granted.

The Committee then gave consideration to the application.

A Member advised that the farm was within his ward and that the farmer frequently blocked the road when taking his cattle across the road and that was a concern to him and residents. The Member moved that the application should be refused as the Highway Authority had lodged a detailed objection to the application and were concerned that the structure had already been built on highway land, which in their view should only be allowed in very exceptional circumstances.

A Member seconded the motion to refuse the application as it was on the highway and was an eyesore.

The Legal Services Manager advised Members that there were 2 aspects to consider. Firstly the Highways Agency had raised no objection on the grounds of highway safety. Secondly, she reminded Members that they should consider the application on its planning merits only.

A Member pointed out that the report referred to an application being made to the Highway Authority for the structures. She queried what would be the consequences if the applicant did not make such an application. The Assistant Director (Economic Development) advised that the Highway Authority would be able to take action against the applicant and reminded Members that if the Highway Authority had any objection it was up to them to take action.

A Member stated that he accepted the application was retrospective and the structures had been constructed without planning or Highway Authority permission. The Member pointed out that Policy CP6 referred to residential amenity and as the structures were on the highway verge they were not a residential amenity and therefore the application should be refused.

The Legal Services Manager advised that the application could not be refused on the grounds of being retrospective. The Assistant Director (Economic Development) advised that the Committee could make the decision to take enforcement action.

A Member stated that had the application been submitted appropriately it would probably not have been allowed. Even if there was no right of way on the land or ownership of the land the structures were on the public highway.

A Member requested legal clarification as the structures were on the public highway and he understood the public highway to include the verges on both sides of the road. Therefore he asked how the Committee could grant permission for something on the public highway. The Legal Services Manager confirmed that the Committee could grant permission on land belonging to anyone but that the Highway Authority could make an objection. The Highway Authority could take action to remove the structures or stop up the road. The Assistant Director advised that the application had to be considered on its planning merits and whether the application should be approved or refused on planning grounds.

A Member reminded the Committee that it had been moved and seconded that the application be refused as it was an inappropriate development and would not have been approved if it had been submitted initially.

Following a vote it was:

RESOLVED - That permission be refused as the development was contrary to policies CP5 and LE25 of the Carlisle Local Plan.

**(17) Erection of an agricultural workers dwelling (reserved matters application pursuant to outline permission 10/0660), Land at Monkhill Hall Farm to east of Monkhill Hall, Monkhill, Burgh by Sands (Application 11/0711)**

Having declared a personal and prejudicial interest in respect of the application Councillor Parsons left the meeting and took no part in the consideration of the application. Councillor Scarborough took over Chair of the meeting.

The Planning Officer submitted the report setting out the background to the application, together with a description of the site and proposed design which had raised no objection from the Heritage Officer.

The application had been advertised by means of a site notice and notification letter sent to 12 neighbouring properties. No verbal or written representations had been made during the consultation period.

The Planning Officer reported that the scale and design of the proposed dwelling would be acceptable and it would not have an adverse effect on the living conditions of the occupiers of any neighbouring properties through loss of light, privacy or over dominance. It was therefore recommended 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) Temporary siting of log cabins for a period of up to 18 months during construction of a new dwelling, Monkhill Hall Farm, Monkhill, Burgh by Sands**

Having declared a personal and prejudicial interest in respect of the application Councillor Parsons left the meeting and took no part in the consideration of the meeting. Councillor Scarborough took over Chair of the meeting.

The Planning Officer submitted the report setting out the background to the application, together with a description of the site and proposed design. He advised that the applicants would live in the log cabin during construction of the agricultural workers' dwelling (Application 11/0711).

The application had been advertised by means of a site notice and notification letter sent to 12 neighbouring properties. No verbal or written representations had been made during the consultation period.

In conclusion the Planning Officer stated that the proposal would be acceptable in principal and that it would not have an adverse impact on the character of the area or on the living conditions of the occupiers of any neighbouring properties. In all aspects the proposal was compliant with the objectives of the relevant adopted Local Plan policies. It was therefore recommended that the application be approved but only if the preceding application for the agricultural workers dwelling had been approved. If that application was refused then the application should also be refused on the grounds of prematurity.

The Committee then gave consideration to the application.

A Member stated that he would like an assurance that the log cabin would be removed from the site when the construction of the agricultural workers' dwelling was completed. He also requested clarification of reference to a caravan on the site in the report. The Planning Officer advised that that was a typographical error and should have read "log cabin".

The Officer's recommendation was moved and seconded on condition that the log cabin be removed.

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

Councillor Rutherford left the meeting at 2:35pm.

Councillor Parsons returned to the meeting and resumed the role of Chairman.

**(19) Relocation and revision of lawfully implemented dwelling (Planning Ref: 10/0683), Springwell Farm, Talkin (Application 11/0714)**

The Planning Officer submitted the report setting out the background to the application, together with a description of the site and proposed design.

The application had been advertised by means of a site notice and direct notification to the occupiers of a neighbouring property. Six letters of objection had been received and the Planning Officer summarised the issues raised.

The Planning Officer advised that in overall terms the principle of the development was acceptable and had been established through the granting of the previous planning application. The scale of the dwelling was outwith the parameters of the policy guidance. However, the increase in footprint was relatively small in the context of the extant consent. The design and use of materials in the building, together with the positive environmental features would be an improvement upon the approved scheme and would be commensurate with the site's size and features. The relocation from the approved siting would allow further improvements to the landscaping of the site and surrounding area that would be of benefit to the landscape. The Planning Officer further advised that the scheme proposed a high quality design, use of vernacular materials and incorporated sustainable forms of heating.

The Planning Officer stated that the proposed dwelling would not be an "exceptional dwelling" but would be of sufficient merit and acceptable in terms of its appearance. The building would not result in any demonstrable harm to the landscape character of the wider area or the living conditions of any neighbouring residential dwellings. The scheme was not significantly different from that which already benefitted from planning permission and in all other aspects the proposal was compliant with the objectives of the relevant Local Plan policies.

The Planning Officer advised that further comments had been received from the Parish Council early this morning that raised the following issues:

- the proposal was on a greenfield site
- the proposal bore no resemblance to the original application
- was the reason for an upgrade to the existing farm track an indication of further development?
- the proposal was detrimental to wildlife on the adjacent pond, and
- the proposal was not in the interests of conservation.

The comments were similar to those submitted in relation to the original application.

The Planning Officer presented a slide that showed the layout of the revised application. He advised that the applicant had made a lawful start of the building and

was now re-locating it and the outbuilding. The revised siting enabled a greater degree of landscaping.

The Planning Officer advised that the applicant had agreed a unilateral undertaking to rescind the previous permission and confirmed that no further work would take place. That had been signed by the applicant and was currently with his solicitor. There would be no overall increase in the area of the proposed dwelling.

Therefore the Planning Officer recommended authority to issue approval of the application and that condition 6 be revised with regard to tree protection measures.

The Committee then gave consideration to the application.

A Member stated that permission had previously been granted and the revised application was only slightly different. Therefore he moved the Officer's recommendation.

RESOLVED - That authority to issue approval of the application be given to the Assistant Director (Economic Development) subject to the conditions indicated in the Schedule of Decisions attached to these Minutes.

**(20) Erection of single storey rear extension to provide extended kitchen and sunroom together with porch to front elevation, 54 Upperby Road, Carlisle (Application 11/0811)**

Having declared a personal and prejudicial interest Councillor Cape left the meeting and took no part in the consideration of the application.

The Planning Assistant submitted the report setting out the background to the application, together with a description of the site and proposed design.

The application had been advertised by the direct notification of 5 neighbouring properties. No written or verbal representations had been received during the advertisement period.

The Planning Assistant advised that in overall terms the scale and design of the proposal was considered to be acceptable and that there would not be any adverse impacts upon the residents of the neighbouring properties as a result of poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. Furthermore, there would not be any detrimental impact upon the biodiversity of the area. In all aspects the proposal was compliant with the relevant policies contained within the adopted Local Plan. In conclusion the Planning Officer recommended that approval of the application be granted.

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

Councillor Cape returned to the meeting.

**(21) Conversion of barn to form 5no dwellings, Helme Farm, Cumrew, Brampton (Application 10/0760)**

The Principal Planning Officer (Development Management) submitted the report to setting out the background to the application together with a description of the site and proposed design.

The application had been advertised by press and site notices and the direct notification of the occupiers of the 7 neighbouring properties. The subsequent correspondence contained 1 objection and 3 letters/emails commenting on the proposal. The Principal Planning Officer summarised the objections raised by the comments.

The Principal Planning Officer explained that the assessment of the application revolved around an initial consideration of whether the marketing exercise undertaken on behalf of the applicant was satisfactory and then sought to address the subsequent question of whether the advantages of seeing the premises re-used in the near future outweighed the disadvantages and the policy benefits of retaining the premises in their current use and condition.

The Principal Planning Officer stated that it was apparent that no marketing had been undertaken on behalf of the applicants. However the proposal would achieve a viable development that involved the re-use of a Grade II Listed Building that was also in a prominent and attractive location, involved the payment of a commuted sum towards affordable housing together with a small but contributory increase in the district's housing supply.

The Principal Planning Officer informed Members that Carlatton and Cumrew Parish Council had confirmed that it had no objection to the dwellings in the revised plan but noted that:

- they did not like the idea of them being used as holiday lets
- the proposed land for soakaways for 2 dwellings was not on land owned by the applicants
- there were concerns about the width of access and parking within the courtyard provided, and
- there was a need for kerbing along the roadside of the property.

A neighbour had also written to reiterate previous observations.

The Principal Planning Officer presented slides of the site.

In conclusion the Planning Officer advised that in overall terms it was considered that the disadvantages would be compensated for by the benefits brought forward by the scheme, and therefore the application was recommended for approval subject to the completion of a Section 106 Agreement to cover the payment of the commuted sum and the additional condition regarding the provision of a footway.

The Committee then gave consideration to the application.

A Member queried whether a condition could be imposed that would prevent the dwellings being used as holiday lets. The Principal Planning Officer advised that that would not be possible but added that there was no stated intention for that use.

The Member stated that Cumrew needed housing and queried whether a condition could be imposed that an application would need to be submitted should the applicant wish to change the use to holiday lets. The Assistant Director (Economic Development) advised that the intention of the applicant was to build the dwellings and sell them on and added that it was unlikely that they would be used as holiday lets. The Principal Planning Officer advised that a viability report had indicated that using the dwellings as holiday lets would not be a viable proposition.

In response to a query from a Member regarding the crook frame in the barn the Principal Planning Officer advised that the retention of the crook frame was indicated on the submitted plans.

RESOLVED - That authority to issue authority to approve the application be given to the Assistant Director (Economic Development) subject to the conditions indicated in the Schedule of Decisions attached to these Minutes.

**(22) Erection of replacement porch, Meadow View, Smithfield, Kirklington (Application 11/0875)**

The Planning Officer (Mr Maunsell) having declared a personal and prejudicial interest left the meeting and took no part in the consideration of the application.

The Planning Officer submitted the report setting out the background to the application together with a description of the site and proposed design. He advised Members that the application had been brought before the Committee as the applicant worked for the City Council.

The application had been advertised by the direct notification of the occupiers of 2 neighbouring properties. No verbal or written representations had been made during the consultation period.

In conclusion the Planning Officer explained that, in overall terms, the proposal did not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The scale and design of the porch was acceptable in relation to the dwelling and it would not have a detrimental effect on biodiversity. It was therefore recommended that permission for the application be granted.

RESOLVED - That permission be granted.

**(23) Erection of two storey and single storey rear extension to provide dining room with first floor bathroom above together with single storey front extension to extend existing living room, 75 Vasey Crescent, Carlisle (Application 11/0883)**

The Planning Officer submitted the report setting out the background to the application together with a description of the site and proposed design and advised that the applicant was employed by the City Council.

The application had been advertised by the direct notification of the occupiers of 9 neighbouring properties. No verbal or written representations had been received.

In conclusion the Planning Officer explained that, in overall terms, the proposal did not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The scale and design of the proposed extensions were acceptable in relation to the dwelling and it would not have a detrimental effect on biodiversity or flooding issues at the site.

Since writing the report a letter of objection had been received from the occupant of the neighbouring property. The letter raised objections to the scale of the single storey extension and indicated that the proposal should make provision for incurtilage parking. A further letter from the objector stated that if the application went ahead it would permanently remove the possibility of off road parking for the resident which would have a negative effect on accessibility and parking in the area.

The Planning Officer recommended that the permission be granted.

RESOLVED - That permission be granted.

**DC.81/11 PUBLIC AND PRESS**

RESOLVED – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following item of business as the report contained (3) information relating to the financial or business affairs of any particular person (including the authority holding that information) and (6) information which reveals that the authority proposes: a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b) to make an order or direction under any enactment as defined in the paragraph number (as indicated in brackets against the minutes) of Part 1 of Schedule 12A of the 1972 Local Government Act.

**DC.82/11 ENFORCEMENT ISSUE UPDATE**

(Public and Press excluded by virtue of Paragraphs 3 and 6)

The Assistant Director (Economic Development) gave a verbal update on a current enforcement issue. She advised that since authority to issue an enforcement notice had been approved Officers had attempted to contact the owners of the property in

various formats but had received no response. Running in parallel with those actions Officers had invited tender submissions for the emergency works which were currently being analysed. Once a decision was made on the appropriate tender, work would commence in respect of the enforcement notice.

[The meeting ended at 3:00pm]