

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 19 AUGUST 2011 AT 10.00 AM

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

DC.58/11 APOLOGIES FOR ABSENCE

There were no apologies for absence submitted

DC.59/11 DECLARATIONS OF INTEREST

- Councillor McDevitt declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 11/0506 – University of Cumbria, Brampton Road, Carlisle, CA3 9AY. The interest related to the fact that he was also Member of Cumbria County Council.

DC.60/11 MINUTES

The Minutes of the site visit meeting held on 17 August 2011 were noted.

DC.61/11 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.62/11 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) Six wind turbines with a tip height not exceeding 126.5m, access tracks, crane hardstandings and outrigger pads, control building, underground electrical cables and temporary construction compound, land at Hallburn Farm, Hallburn, Longtown, Carlisle, Cumbria (Application 11/0118)**

The Planning Manager submitted the report on the application which was the subject of a site visit on 17 August 2011, and outlined the background to the application and

described the design and site of the proposal. He advised that the main issues of the proposal were the benefits of the proposal, landscape and visual character, air safety, Eskdalemuir Seismological Recording Station, living conditions, ecology and nature conservation and the setting of Hadrian's Wall.

The Planning Manager advised that the Statement of Community Engagement explained that the applicant had undertaken pre-application consultation exercises in June 2009 and June 2010 as a result of which 87% stated their support for the use of renewable energy in the UK, 40% supported the use of on shore wind power in the UK and approximately 24% were opposed to the use of the Hallburn Farm site for a wind energy proposal. The application had been advertised in form of a press notice, site notices around the perimeter of the application site and written notification to the occupiers of 186 neighbouring properties inclusive of those who responded to the initial consultation exercise undertaken by the developers. As a result 266 letters or e-mails of objection had been received and 89 expressions of support. One petition containing 289 signatures had also been received. The Planning Manager summarised the issues raised.

The Planning Manager explained that the proposal was in accordance with the overall objectives of Government energy policy. He stated that the benefits included effective protection of the environment through the reduction of greenhouse gas emissions and the prudent use of natural resources of reducing reliance on fossil fuels. Key principle of PPS22 required that the wider environmental benefits of proposal be given significant weight.

The application site fell within lowland – low farmland and 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. The Planning Manager advised that the proposal would not cause unacceptable harm to the landscape character; the proposed turbines would be noticeable but their presence would not be dominating or overbearing. Subject to conditions there would be no unacceptable impact on the living conditions of local residents through noise and disturbance or shadow flicker. It was also considered that an objection on the grounds of conflict with Carlisle Airport safeguarding criteria could not be sustained.

The Ministry of Defence had confirmed that the proposed turbines would interfere with the operational functionality of the Eskdalemuir Seismological Recording Station that ensured that the UK complied with the Comprehensive Nuclear Test Ban Treaty. The key principle of PPS22 stated that renewable energy developments should be capable of being accommodated throughout England in locations where the technology was viable and environmental, economic and social impacts could be addressed satisfactorily. As it stood the proposal had not achieved that because the impact on the effective operation use of the Eskdalemuir Station could not be deemed to have been “addressed satisfactorily” and it was considered that that negative aspect of the proposal outweighed the benefit it would bring.

The Planning Manager explained that while conditions could address many of the matters raised, such as noise, shadow flicker, design and contamination the absence

of any proposed solution meant that the conditions could not address the impact on the Eskdalemuir Station.

Since preparing the report, two additional responses had been received and included in the Supplementary Schedule. One letter of objection was from County Councillor Val Tarbitt who believed that the proposal was detrimental visually and ecologically to the town and the area around it. She also stated that in her role on the Solway Coast AONB management board that the area was in danger of ruining the uniqueness of the Cumbrian experience. The County Councillor supported the decision of Arthuret Parish Council who did not support the application.

The second letter contained further comments from the Defence Infrastructure Organisation covering issues regarding radar coverage, radar availability and distraction and maintained their objection. They also provided further information regarding the seismometer array at Eskdalemuir. There had also been additional pro forma objection letters and cards received detailing 19 objections.

A letter had also been received from Rory Stewart MP who stated that he was opposed to large scale wind farms in the area but had particular concerns regarding the seismic noise levels and the potential unacceptable interference to the ATC radar at Spadeadam.

The Planning Manager presented slides of the site from various points around the area.

Since the report had been published a number of consultees had raised some key issues. The Planning Manager informed Members that the County Highways response had been included in the report and their objection had been maintained and in considering detail the highway authority had no specific objection and suggested a number of conditions if the application was to be approved in relation to matters such as hedgerow removal.

The Planning Manager indicated to Members that a recent planning appeal relating to Eskdalemuir was undertaken by Scottish Ministers. That appeal allowed the erection of a wind turbine that the Ministry of Defence and the Defence Infrastructure organisation confirmed did not excite negligible seismic energy and therefore did not contribute to the noise budget. However that application was for a single turbine 15m high and providing 15KW. The application at Hallburn was for a wind farm with 6 turbines at 126.5m high and had a potential for greater impact on the noise budget.

With regard to radar coverage, particularly at Spadeadam, the report stated that the effect of the turbines on the radar at Spadeadam may be mitigated as there was alternate radar that would not be affected by the proposed development. The additional information from the Defence Infrastructure Organisation confirmed that that was not a practical solution and was not acceptable as it would impact on Air Traffic Control. On that basis the Planning Manager outlined the details of an additional reason for refusal.

The report indicated that the RSPB and Cumbria Wildlife did not agree with the findings of the Environmental Assessment and considered that the impact on birds

was unacceptable. An assessment by Lloyd Bore Ltd had not been finalised but in discussions with the consultant it was considered that there was little potential for cumulative impact in that area and impacts from other proposed and existing developments was limited. It was understood that mitigation for the Beckburn application was feasible and therefore limited the potential for any significant “in combination” effect although that had yet to be confirmed by Natural England. While it was therefore considered that the impact of the development would be localised mitigation remained unresolved and the Planning Manager outlined the details of a further reason or refusal on that basis.

The report stated that additional comments from English Heritage were awaited. Additional explanation photo montages had been provided for English Heritage and that had provided some information to give further assessment on the impact on the Outstanding Universal Value of Hadrian’s Wall World Heritage Site particularly in relation to views along the Roman Road between Carlisle and Netherby. That information had satisfied English Heritage’s concerns although further work was required to provide a complete understanding although that now focussed on the need for a further single photo montage. The Planning Manager therefore outlined details of an additional reason for refusal on that basis.

The Planning Manager advised that since publication of the schedule the applicant had requested that the application be either withdrawn from discussion or deferred. They had outlined the continuing work to resolve the outstanding issues and confirmed that they were working with consultees to provide additional information. The applicant had indicated that they would request a formal extension of time for the Council to deal with the application. Following discussions the applicant had confirmed that they would endeavour to resolve matters in time for the next Development Control Committee meeting in September. A further letter confirmed that position and raised two further concerns that the application at Solway Moss had not been considered by the Committee and was submitted prior to the application. That application would be submitted to Committee in the near future. The Planning Manager addressed concerns that representatives from the Parish Council had been invited to partake in discussions during the site visit. He advised that although the representatives were on the coach they could only hear the discussion between Members and Officers and were not invited to contribute.

The Planning Manager advised that should the application be refused the applicant had indicated that it was highly likely that an appeal would be made. He confirmed that Officers would continue to co-operate on outstanding issues to determine areas of common ground ahead of any inquiry. That practice was undertaken by Officers on any appeal received.

While he concurred that some progress had been made in the previous week, the Planning Manager stated that other issues remained unresolved. He suggested that Members should consider whether the application should be deferred however the recommendation remained to refuse the application for the reasons stated in the report with the addition of the reasons outlined earlier.

Members agreed that the application should not be deferred. A Member stated that a number of the issues could not be resolved whether the application was deferred or not.

Ms de Gruyther (Objector) stated that the height of the turbines would be 3 times greater than that of the Civic Centre and that they would be visible for miles. The report mentioned that there would be no significant effects on the character and designation of the landscape, but also stated that there would be significant visual effects on the residents and visitors of Longtown. The applicant had stated that when the turbines were removed in 25 years' time those impacts would be reduced. Ms De Gruyther believed that tourism was important to the area and was concerned that people would drive through the region rather than stopping. That would lead to a reduction in income and quality of life. She also believed that residents had been misinformed regarding how the wind turbines would merge into the landscape.

Ms de Gruyther was also concerned about the weight of the concrete bases and support for the turbines. The combined weight would be around 12,000 tons plus the additional of increased roads. Ms de Gruyther queried whether the applicants could guarantee that there would be no seepage to the water supply as decontamination of the water supply would be expensive if not impossible. Local MPs and Councillors disagreed with the proposal and she hoped that Members would listen to the views of the community.

Ms Conchie (on behalf of Mr Tillotson – Objector) was concerned that there was no response from Cumbria Tourism as she believed that the proposal would have an impact on tourism.

Ms Conchie stated that there had been 600 objections from residents of Longtown; that equated to 20% of the residents. She added that Longtown had suffered in the past from the foot and mouth outbreak and the Ministry of Defence had announced recently that the facility at Longtown was due for closure and that would lead to a significant reduction in the number of jobs available in the area. Businesses in the area were worried that the wind farm could discourage tourists from visiting the area.

Ms Conchie concluded by stating that in order to meet the Government's renewable energy target a substantial number of wind farms would be required across the UK. She believed that Cumbria should be protected from building too many in the area.

Mr Olley (Agent) stated that he was satisfied with the content of the Planning Manager's report and therefore had nothing further to add.

The Committee then gave detailed consideration to the application.

A Member stated that while he believed that the use of renewable energy should be considered the application would not be cost effective and would have a detrimental impact on the area. He therefore moved the Officer's recommendation for refusal with the additional reasons included. The Member reiterated that tourism was very important to the area and that as the masts would be higher than Dixon's Chimney they would be visible from a large area. He also believed it would be wrong to destroy ancient hedgerows as was recommended in the report.

The Member added that a substantial amount of energy would be expended in the construction of the proposed development and that it would be impossible to remove the concrete blocks, as had been suggested, at the end of the 25 year life of the wind farm. The Member believed that the use of other renewable energy sources such as geo-thermal and hydro power should be investigated as they would be more sustainable. While he recognised that the concerns about the use of wind farms were shared by most people in the country, it was the local communities who were directly affected. The Member also stated that he hoped that a noise assessment had been undertaken.

With regard to the water course the Member stated that the effects on the water course should be investigated as the residents would be affected if it became contaminated.

The Member referred to the Cumbria Wind Energy Supplementary Planning Document that stated that the proposed development went against the plan for a number of reasons.

A Member reiterated the height of the turbines compared to Dixon's Chimney and the impact they would have on the area. He stated that he believed that the use of rivers to be used for hydro schemes should be encouraged as they would have no adverse visual impact or an adverse impact on wildlife.

A Member believed that the application would be detrimental to the countryside and have an adverse impact on the site at Eskdalemuir. The Member seconded the motion to refuse the application on the grounds of air safety due to the impact the proposed development would have on Spadeadam and the general visual impact on the area.

A Member stated that he believed wind farms were a good idea in the right place. However, he did not believe Hallburn was the right place and that the scheme would not produce the amount of power required set by the Government. He believed that the visual impact would be horrendous. With regard to the potential impact on the seismic facility and radar the Member believed that there would be an adverse impact and therefore Members should err on the side of safety.

A Member also believed the proposed development was not in the right place and also agreed with the Officer's recommendation to refuse the application.

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.

(2) Temporary installation for 3 years of a wind monitoring mast 80m high, land to the north of Woodside, Roadhead, Carlisle (Application 10/1025)

The Chair advised that the application had been removed withdrawn for consideration by the Committee at the request of the applicant.

(3) Retention of 2no existing temporary classrooms, provision on 6no additional classrooms and provision of cycle store together with change of use of lawn to front of main building to form additional 19no car parking spaces, University of Cumbria, Brampton Road, Carlisle, CA3 9AY (Application 11/0506)

The Development Control Officer submitted the report on the application and outlined the background to the application and described the design and site of the proposal. He advised that the main issues of the application included the impact on the Stanwix Conservation Area, the impact on the Listed Building, the impact on the Hadrian's Wall Heritage Site, the impact on the living conditions of the occupiers of neighbouring properties, parking and highway issues and the impact on trees.

The Development Control Officer advised that the application had been advertised by means of site and press notices as well as notification letters sent to 5 neighbouring properties. In response 3 letters of objection had been received and the Development Control Officer summarised the issues raised in the letters.

The Development Control Officer presented slides of the site that indicated the position of the proposed Portacabins, cycle store and additional parking. He advised that the Portacabins, cycle store and car park would be screened from Brampton Road by trees.

The Development Control Officer explained that providing that the issues raised by English Heritage and the Council's Tree Officer were satisfactorily addressed the proposals would not have an adverse impact on the Stanwix Conservation Area, the adjacent Listed Building, the Hadrian's Wall Heritage Site, the living conditions of the occupiers of any neighbouring properties or on trees. Highway matters had been satisfactorily addressed. The Development Control Officer stated that the proposal was compliant with the relevant policies contained within the adopted Local Plan.

The Development Control Officer advised that at present the University of Cumbria charge students to park in the car parking areas but that most refused to pay and parked on the highway. When he had visited the site the car parks were almost empty and most cars were parked on the highway. The University were aware of the problem and were looking at ways to address the situation. A Road Traffic Order would be introduced that would restrict parking on the highway and the University had advised that they intended to lift the car parking charges to students.

The Development Control Officer informed Members that all the information requested by English Heritage had been received, including a plan that showed the foundation of the Portacabins, the details of the foundations of the cycle store, confirmation that there would be no below ground services and that the length of the bund had been reduced. Conditions would be imposed that would require submission of the landscaping scheme and details relating to the construction of the car park. The Development Control Officer advised that the plans had been amended slightly to indicate the reduced bund and the reconfiguration of a car park.

The Council's Tree Officer had requested a tree survey, which had been submitted, and the Tree Officer had no objection to the proposed scheme. The Council's Access Officer had also commented on the proposal that had resulted in minor changes to the plan that included the provision of a toilet with facilities for people with disabilities, changes to the way doors opened and handrails to both sides of the ramp.

The Development Control Officer explained that there had been objections with regard to the surface water drainage. As a result the applicant had confirmed that water from the roofs of the Portacabins would go into gutters that would discharge into rain water fall pipes connected to perforated pipes in the closed grid system under each building. Those would discharge the rain water to the gravel car park. That proposal had been approved by the Council's Drainage Engineer and a condition had been included to ensure that system was installed. The Development Control Officer recommended that the application be approved subject to the conditions set out in the report and the additional conditions relating to surface water drainage and the foundations.

A copy of the notes of the County Council's Highways and Transport Working Group which had met on 17 August 2011 had been submitted at the start of the meeting at the request of a City Councillor who sat on that Working Group. A Member stated that the Working Group made recommendations and those recommendations had not been considered by the Area Working Committee and therefore he believed should not be considered. A Member reiterated that view and suggested that the notes be used for information only. It was agreed that the meeting be adjourned to allow Members the opportunity to read the notes.

The meeting was adjourned at 10:55 and re-convened at 11:05.

The Development Control Officer explained that the application would lead to an additional 60 students on site; however in terms of parking standards it was only necessary to provide 6 additional parking spaces on the site. The Development Control Officer believed that the changes to the parking, the removal of parking charges and the changes to the Travel Plan would help to alleviate some of the issues on site. The Highway and Transport Working Group had requested that the timescale of Condition 7 that related to the Travel Plan be reduced from 3 months to 1 month of the application being approved. The Development Control Officer advised that he would be happy to amend the condition if Members wished.

The Highway and Transport Working Group had also requested that Condition 8 be amended to ensure that the car park was provided before the Portacabins were brought into use rather than within 3 months as stated in the report. The Development Control Officer had spoken with the applicant who had advised that it would be difficult as the University needs to have the Portacabins in place by mid September and the imposition of the condition would make it difficult for that timescale to be achieved. The Officer from the County Council's Highways Department believed that 3 months was a reasonable amount of time. The Development Control Officer believed that as the application would provide 19 car parking spaces and 28 cycle bays, and the updating of the Travel Plan, it would be appropriate to leave the Condition as 3 months.

The Development Control Officer further advised that the Highway and Transport Working Group had requested that a Section 106 Agreement be drawn up to cover the cost of the Road Traffic Order. Given that only 6 extra spaces were technically required to be provided and the Road Traffic Order was not related to the proposed development the Development Control Officer did not believe it would be reasonable to impose such a condition.

The Legal Services Manager advised that the County Council had intended to implement the Road Traffic Order irrespective of the proposed development. She advised that to impose such a condition Members had to be satisfied that the Order was necessary as part of the proposed development. The Legal Services Manager reminded Members that they should bear in mind the potential for judicial review if it was found that their decision did not comply with legislation.

A Member reiterated that the notes were simply notes of the meeting and that the Highways and Transport Working Group was not a decision making body; that was the role of the Cumbria Local Area Committee. He indicated that there had been no City Councillors present at the meeting. The Member added that there were problems with parking but he believed that the easiest option would be for all parking to be within the grounds of the University and install double yellow lines on the highway. The Member queried whether the Working Group had the authority to request information. The Legal Services Manager advised that they made recommendations to the Local Area Committee and that they had submitted the notes on behalf of the residents in the area. Therefore the request for information should be treated as any other request from an interested party.

Mr Vose (Objector) stated that he believed the application was for an expansion of the site at a time when students had no jobs to go into when their degree courses were completed. He added that he believed that most residents were of the opinion that the environment and amenity would be altered.

Mr Berry (Agent) reminded Members that there had been a number of changes at the university in recent times but he believed that the residents of Carlisle and Cumbria could benefit from the proposed development provided the University could redress the issues raised. Mr Berry stated that the University acknowledged that there were problems and had attempted to rebuild their relationship with Councillors and the community. There had been pre-application consultation to discuss the application and a range of issues had been covered. As a result the management had agreed to remove charges for students.

The Committee then gave detailed consideration to the application.

A Member queried whether it was feasible to ensure that all parking was confined to the site to alleviate the parking on the highway. The Development Control Officer stated that by removing the charges for students some of the problems should be resolved. He advised that staff at the university could negotiate to determine whether their parking charges could also be removed. The imposition of the Road Traffic Order would also resolve some of the issues.

In response to a query from a Member the Development Control Officer confirmed that the additional parking spaces would be available by December at the latest but added that the car parks could not be completed before the Portacabins were in place. He confirmed that there were several existing parking spaces available on site and the cycle store would also be available. The Development Control Officer further advised that the University were introducing a new bus service that would allow reduced fares on public transport.

A Member asked whether the Heritage Officer had made any comments with regard to the colour of the Portacabins as he believed they would stand out in the suggested colour. The Development Control Officer advised that the Portacabins would be the same colour as the existing one unless they required alteration. He stated that the bund would provide screening and the trees would screen the Portacabins from Brampton Road.

The Member queried how the car parking bays would be marked out as the surface was gravel. The Development Control Officer advised that that matter was yet to be resolved and that the County Council Highways Officer was looking at that issue.

The Member further queried what powers were available to the City Council with regard to the Travel Plan if the University did not carry out the plans as stated. The Development Control Officer advised that Officers were intending to amend the condition so that the Travel Plan was implemented with 1 month of approval of the application. If that failed to be implemented the Council could stop the University from using the Portacabins.

The Member stated that he agreed with the University that the parking situation in the area was a problem prior to the application for the additional Portacabins. He welcomed that the parking charges to students had been withdrawn and believed that parking charges for staff should also be withdrawn. The Member added that the parking situation had caused problems for people with guide dogs or pushchairs. The proposal was to implement double yellow lanes from Dykes Terrace but the Member was not aware of a problem in that area.

The Member stated that he wished to support the University but believed that they could alleviate the situation by removing the parking charges to staff as well as students and by making it clear that parking was only available in the University grounds.

The Member queried whether English Heritage had queried the drainage for the toilet with facilities for the disabled as there had been objections to other applications with similar issues. The Development Control Officer confirmed that there would be an over ground pipe linking to the sewage system and that English Heritage were happy with that arrangement.

A Member stated that if the Council were to support the University there had to be a way to work together to achieve what was required. He stated that there had been problems with parking for a number of years but he believed that the situation could be overcome by the removal of charges for car parking. The Member added that the notes of the meeting of the Highways and Transport Working Group proposed a

parking space on Brampton Road. He stated that he did not believe the road was wide enough for a parking space and that the matter should be referred back to the County Council. The Legal Services Manager advised that the Development Control Committee had no authority to refer matters back to the County Council and suggested that the Member should speak with City Councillors who sit on that group in their role as County Councillors or to the County Councillor Officer concerned.

A Member queried when the photographs of the car park were taken and whether the college was operational at the time. The Development Control Officer confirmed that he had been to the University at various times and days and the parking situation was always the same.

The Member referred to the notes of the Highways and Transport Working Group that stated that the college had not complied with earlier conditions and asked the Development Control Officer to confirm that situation and what action could be taken to enforce the conditions. The Development Control Officer confirmed that those conditions pre-dated the University taking over the site and involved cycle parking not being delivered. If the conditions of the current application were not complied with enforcement action could be taken.

The Member also queried, if additional parking was required, whether the tennis courts could be converted as they were no longer used. The Development Control Officer confirmed that that could be looked at in the future if necessary but he added that the site was part of the Conservation Area and the Hadrians Wall Buffer Zone and had a number of Tree Preservation Orders against trees on the site. The Development Control Officer also reminded Members that policies were available that would try to encourage the use of public transport.

A Member stated that he did not believe that the imposition of the Travel Plan and the free parking for students would alleviate the parking problems. He added that by removing car parking charges for staff was the only way to resolve the problem.

A Member queried the timescale for the landscaping to screen the buildings. The Development Control Officer confirmed that landscaping would take place during the first planting season that would be between October and March. If any planting failed it would be replaced.

The Assistant Director (Economic Development) advised that removing parking charges for staff was part of the discussions with the University and part of the Travel Plan was to encourage people to look at how they could get to the University without undue reliance on the private car.

A Member stated that he agreed with the views expressed about parking in the area and queried whether the condition could be amended to take the comments of the Highways and Transport working Group into account. The Legal Services Manager advised that not all the parking issues were due to students and staff from the University and believed that the Road Traffic Order would make a difference in the area. A Member believed that a letter could be written to the Local Area Committee that would express the views of the Development Control Committee and request them to consider the concerns raised. He stated that a number of students would be

travelling from rural areas and they would need to use cars as there was no suitable bus service.

The Assistant Director (Economic Development) agreed to write to the Local Area Committee on behalf of the Development Control Committee with regard to their views.

A Member stated that he could see no reason why a Section 106 Agreement could not be imposed towards the cost of the Road Traffic Order as he believed that if the University was not in the area there would be no reason for the Order. The Legal Services Manager advised that a Section 106 Agreement could only be imposed if it was necessary for the development of the additional parking spaces. As the parking problems pre-dated the application it would not be reasonable to impose such an agreement.

RESOLVED – 1) That approval of the application be granted subject to condition 7 being amended to 1 month and the colour of the Portacabins being agreed;

2) that Officers negotiate with the University in respect of withdrawing car parking charges for staff as well as students;

3) the Assistant Director (Economic Development) to write to the Local Area Committee on behalf of the Development Control Committee expressing the Committee's concerns.

(4) Sub division of existing detached dwelling to form two flats, 28 Whiteclosegate, Carlisle, Cumbria (Application 11/0463)

The Principal Development Control Officer submitted the report on the application and outlined the background to the application and described the design and site of the proposal. He advised that the main issues of the application were whether the principle of the proposed development was acceptable, whether the layout and appearance of the development was acceptable, the impact of the proposal on the living conditions of neighbouring residents, highway matters and landscaping.

The Principal Development Control Officer advised that the application had been advertised by means of a site and notification letters sent to 7 neighbouring properties. In response 1 letter had been received that questioned whether the appearance of the front parking area would be in keeping with the surrounding properties.

The Principal Development Control Officer advised that in overall terms the principle of the proposed development was acceptable. The flats could be accommodated without detriment to the living conditions of the neighbouring properties through loss of light, loss of privacy or over dominance. Adequate car parking and amenity space could also be provided to serve the units. In all aspects the proposal is compliant with the objectives of the Local Plan.

The Principal Development Control Officer advised that an error in the report. Paragraphs 3.6 and 3.7 of the report stated that the ground floor flat would be accessed from the front elevation and the first floor flat from the rear. In actual fact the ground floor flat was to be accessed from the rear and the first floor flat from the front elevation. The assessment of the application had taken into account the correct access arrangements and therefore the Principal Development Control Officer recommended that the application be approved.

RESOLVED – That the application be approved.

DC.63/11 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.

DS.64/11 ENFORCEMENT ISSUE UPDATE

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

The Assistant Director (Economic Development) submitted report ED.28/11 that provided an update on a current enforcement issue. She described the property and gave the background to the previous assurances of work needed to protect the property from further damage. To date work had yet to commence. The owner had also produced a programme of remedial works due to commence in June 2011. That work also had not been progressed.

The Assistant Director (Economic Development) advised that the Council's Officers had been in discussions with English Heritage to secure funding to commission an independent structural assessment of the building as part of a Partnership Scheme in Conservation Areas. That work was nearing completion; however final cost estimates of works were still to be completed.

There had been concerns in recent weeks about the property and Officers had written to the owners of the building to obtain new contract details. To date that information had not been received. As there had been no response to notice from Environmental Health Officers to secure the building Council Officers had taken direct action to secure the building. As a result of a recent incident Council Officers had to use further powers to prevent unauthorised access. The Assistant Director (Economic Development) informed Members of the work undertaken to secure the building following that incident and advised that the Council would take steps to reclaim those costs from the owner.

The Assistant Director (Economic Development) advised that Officers had considered in depth other powers available to the Council. One of the options was to consider serving notice under Section 77 of the Building Act 1984 (Dangerous Structures), but as the structure was not deemed to be in a dangerous condition that course of action would be inappropriate. Officers would also have to take into consideration powers under the Listed Building legislation. Schedules of work for the two available courses of action were explained. The Assistant Director (Economic Development) stated that a full repairs notice would require an exit strategy that would potentially involve a developer to undertake the works and take on the building so that a full repair would be carried out and the building returned to active use. Early discussions were taking place but it would not necessarily deal with the immediate issues.

Officers had therefore recommended that an Urgent Works notice should be pursued that would provide a short term solution but would not prevent the Authority from considering a more detailed repairs notice at a later date. The Assistant Director (Economic Development) outlined the work required and advised that the Council's Conservation Fund would be fully committed to those works. The decision on the release of those funds would be a matter for the Executive. The Assistant Director (Economic Development) explained that the use of an Urgent Works notice provided the most appropriate measure to deal with outstanding issues on the property where concerns over the condition of the building were paramount and alternative solutions working with the owners had stalled.

In response to a Member's concerns the Assistant Director (Economic Development) stated that the Council would be able to any costs to the Council by placing a charge on the building. Officers were working with the bank to resolve matters regarding work to be done. If further work was required that would be done by the City Council in partnership with a developer.

The Legal Services Manager reminded Members that they needed to consider whether the works were necessary to preserve the Listed Building. Members agreed that work was necessary and the Officer's recommendation was moved and seconded.

RESOLVED: 1) That Officers be authorised to serve an Urgent Works Notice under Section 54 of the Planning (Listed Buildings and Conservation areas) Act 1990 on the owners of the property.

2) That the Executive be requested to consider the release of funds from the Council's Conservation Funds to enable the work under the Urgent Works Notice to be completed.

[The meeting ended at 12.05pm]