

## **DEVELOPMENT CONTROL COMMITTEE**

**FRIDAY 23 JULY 2021 AT 10.00 AM**

**PRESENT:** Councillor Morton (Chair), Councillors Brown (as substitute for Councillor Southward), Christian, Finlayson, Glendinning, Meller, Nedved, Shepherd and Tinnion (until 3:50pm).

**ALSO**

**PRESENT:** Councillor Dr Davison (in her capacity as Ward Member) attended in the meeting having registered a Right to Speak in respect of applications  
- 21/0157 - Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road) Carlisle;  
&  
20/0797 – Land to the north west of Stainton Gardens, Stainton Road, Etterby, Carlisle.

Councillor Ellis (in his capacity as Ward Member) attended in the meeting having registered a Right to Speak in respect of application 20/0797 – Land to the north west of Stainton Gardens, Stainton Road, Etterby, Carlisle.

Councillor Tinnion (in his capacity as Ward Member) attended in the meeting having registered a Right to Speak in respect of applications 21/0374 & 21/0375 – Castle Hill, Hayton, Brampton, CA8 9JA.

**OFFICERS:** Corporate Director of Economic Development  
Development Manager  
Legal Services Manager  
Principal Planning Officer  
Planning Officer x 4

### **DC.063/21 MINUTE'S SILENCE**

The Committee observed a minute's silence to mark the passing away of Councillor Denholm.

### **DC.064/21 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Alcroft, Southward and Whalen.

### **DC.065/21 DECLARATIONS OF INTEREST**

In accordance with the Council's Code of Conduct the following declarations of interest were submitted:

Councillor Tinnion declared an interest in respect of applications 21/0374 & 21/0375 – Castle Hill, Hayton, Brampton, CA8 9JA. The interest related to objectors being known to him. Councillor Tinnion advised that he would address the Committee as Ward Member.

Councillor Christian declared an interest in respect of applications 21/0392 & 21/0393 – Car Parks at Lanercost Priory and Tearooms, Lanercost, Brampton, CA8 2HQ. The interest related to objectors being known to him.

Councillor Meller stated that he had undertaken a site visit at Garth House, Greenfield Lane, Brampton, CA8 1AY. He advised that he had been shown the windows but had not discussed

the application and made no comments at the time nor had he formed any views as to the merits. Councillor Meller stated he would remain in the meeting and decide on the matter having heard the Committee's consideration of the matter.

#### **DC.066/21 PUBLIC AND PRESS**

RESOLVED – That the Agenda be agreed as circulated.

#### **DC.067/21 AGENDA**

RESOLVED – 1) That agenda items A1(2) – Application 21/0120 Firbank, Westlinton, Carlisle, CA6 6AQ and A1(3) Application 21/0121 Firbank, Westlinton, Carlisle, CA6 6AQ be considered together.

2) That agenda items A1(7) – Application 21/0374 – Castle Hill, Hayton, Brampton, CA8 9JA and A1(8) – Application 21/0375 – Castle Hill, Hayton, Brampton, CA8 9JA be considered together.

3) That agenda items A1(9) – Application 21/0392 – Car Parks at Lanercost Priory and Tearooms, Lanercost, Brampton, CA8 2HQ and A.1(10) Application 21/0393 – Car Parks at Lanercost Priory and Tearooms, Lanercost, Brampton, CA8 2HQ be considered together.

#### **DC.068/21 MINUTES OF PREVIOUS MEETINGS**

RESOLVED – That the Chair sign the meetings held on 24 March (site visits), 26 March, 28 April (site visits), 30 April, 9 June, 9 June (site visits) and 11 June 2021.

2) That the minutes of the meeting held on 21 July 2021 (site visits) be approved.

#### **DC.069/21 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS**

The Legal Services Manager set out the process for those Members of the public who had registered a Right to Speak at the Committee.

#### **DC.070/21 CONTROL OF DEVELOPMENT AND ADVERTISING**

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

##### **1. Erection of 79no. Dwellings (Revised Application), Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road, Carlisle (Application 21/0157)).**

The Principal Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; landscape plan; public right of way proposed diversion route; and photographs of the site, an explanation of which was provided for the benefit of Members

The Principal Planning Officer recommended that the application be approved with conditions, subject to the completion of a Section 106 Agreement to secure:

- a) the provision of 20% of the units as affordable (in accordance with the NPPF definition);
- b) an off-site open space contribution of £22,364 for the upgrading and maintenance of open space;

- c) a financial contribution of £27,409 to support the off-site maintenance and improvement of existing play area provision;
- d) a financial contribution of £15,561 to support the off-site improvement of existing sports pitches;
- e) a financial contribution of £3,500 to upgrade the footpath to the north of the site (which is to become a PROW);
- f) the maintenance of the informal open space within the site by the developer;
- g) a financial contribution of £508,596 to Cumbria County Council towards education provision (£213,948 for infant and junior places and £294,648 for secondary school places).

Ms Bates (Objector on behalf of Ms Gadsden) spoke against the application in the following terms: the site supported a broad range of wildlife including rare species; the site was widely used by local residents to increase their health and wellbeing; the proposal did not have public support and a petition against the development had generated 1,000 signatures; footpath issues had not been considered; education provision was still not sufficient to cover existing need.

Councillor Dr Davison (Ward Member) addressed the Committee in the following terms: the site had been a public amenity for many years and acted as a buffer to the nearby Nature Reserve; the land between the application site and the Reserve was also allocated for housing, which would have a negative cumulative impact on the Reserve; residents were deeply concerned about road safety issues and felt that 2 pedestrian crossings were needed as part of the development; the reduction of 1 house in the current application would not reduce the impact of the additional vehicular movements the development would generate; residents were concerned about the loss of biodiversity at the site; Cumbria Wildlife Trust had stated that the transposition of nationally rare orchids at the site was not feasible; Natural England had provided a detailed response to the application recommending that the landscaping scheme be assessed to identify whether the proposals would create a net gain in biodiversity, was that able to be incorporated into condition 10; the scheme would be detrimental to existing residents through loss of a social and green space amenity; the public had enjoyed access to the site for more than 20 years; it was regrettable that the Planning Inspectorate had not explored the issue of education provision more deeply when it determined the appeal on the earlier application (19/0905); the Local Plan required the retention of the existing footpath within the site; it was hoped that the proposed SUDS ponds would not cause damage to the roots of existing trees at the site.

Mr Wright (Applicant) responded on in the following terms: the site had been allocated for housing development in 2008 with an expected yield of 100 dwellings; the appeal against the Committee's refusal of the earlier application (19/0905) had been upheld, therefore the implementation of that scheme was permissible; the current application had been developed in response to points raised by objectors and issues raised by the Committee during its consideration of the earlier application; the current scheme would provide biodiversity net gains, economic benefits, and sustainable homes on a site twenty minutes walk from the city centre; if approved, the development, along with another in the district meant that Gleeson's would make a contribution of £1.4M towards local education provision.

A Member moved the Officer's recommendation which was seconded.

With reference to the successful appeal against the refusal of application 19/0905, a Member asked what action the Committee make take to ensure, the current scheme for 79 dwellings be implemented.

The Development Manager responded that, in the event of the current application being approved the applicant was able to choose which scheme it implemented. The developer had

indicated it considered the currently proposed scheme to be an improvement on the earlier application, as such it was likely that it would select this scheme; Members were able to impose a condition on the consent that the earlier scheme not be implemented, however, the developer had a right of appeal in relation to individual conditions.

The Member indicated that she wished the condition to be imposed.

The Legal Services Manager asked the mover of the Motion whether he would accept the imposition of the condition as part of his proposal. The Member confirmed he would.

The matter was put to the vote and it was:

RESOLVED: That the application be approved with conditions, along with an additional condition preventing the implementation of the development proposed in application 190/0905; and, subject to the completion of a Section 106 Agreement to secure:

- i) the provision of 20% of the units as affordable (in accordance with the NPPF definition);
- ii) an off-site open space contribution of £22,364 for the upgrading and maintenance of open space;
- iii) a financial contribution of £27,409 to support the off-site maintenance and improvement of existing play area provision;
- iv) a financial contribution of £15,561 to support the off-site improvement of existing sports pitches;
- v) a financial contribution of £3,500 to upgrade the footpath to the north of the site (which is to become a PROW);
- vi) the maintenance of the informal open space within the site by the developer;
- vii) a financial contribution of £508,596 to Cumbria County Council towards education provision (£213,948 for infant and junior places and £294,648 for secondary school places).

2. **Erection of single storey side extension to provide garden room; glazed lobby link through to outbuilding; conversion of outbuildings to domestic use; alterations to outbuilding 1 to create utility, boot room & storage room; alterations to outbuilding 2 to create kitchen, W.C., lounge/dining room and gym on ground floor with function room, office and shower/W.C. above; alterations to outbuilding 3 to create 2no. ensuite bedrooms, boot room, consulting room with dispensary, sauna/shower room and gym; erection of detached garage; erection of new gateway and boundary treatments; creation of new access, Firbank, Westlinton, Carlisle, CA6 6AQ (Application 21/0120);**  
**&**
3. **Erection of single storey side extension to provide garden room; glazed lobby link through to outbuilding; conversion of outbuildings to domestic use; alterations to outbuilding 1 to create utility, boot room & storage room; alterations to outbuilding 2 to create kitchen, W.C., lounge/dining room and gym on ground floor with function room, office and shower/W.C. above; alterations to outbuilding 3 to create 2no. ensuite bedrooms, boot room, consulting room with dispensary, sauna/shower room and gym; erection of detached garage; erection of new gateway and boundary treatments; creation of new access (LBC), Firbank, Westlinton, Carlisle, CA6 6AQ (Application 21/0121).**

The Planning Officer submitted the report on the applications and highlighted that one of the applicants worked for the City Council on a contractual basis; however, they had not been involved in the assessment of the application other than as the applicant. Slides were displayed

on screen showing: location plan; block plan and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

A Member moved the Officer's recommendation which was seconded and following voting it was:

RESOLVED: That the applications be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes.

*The Committee adjourned at 9:48am and reconvened at 9:55am*

#### **4. Erection of 33no. Dwellings, Land to the north west of Stainton Gardens, Stainton Road, Etterby, Carlisle (Application 20/0797).**

The Planning Officer submitted the report on the application which had been subject of a virtual site visit by the Committee on 21 July 2021. Slides were displayed on screen showing: location plan; boundary plan; proposed boundary treatment and hard landscaping plan; landscaping plan; front, sides and rear elevations; proposed street scenes; passing places locations; proposed site layout and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that:

- 1) Authority to Issue approval be granted to the Corporate Director of Economic Development, subject to the completion of a satisfactory Section 106 agreement to secure:
  - a) the provision of the proposed level of affordable units (nine units at plots 19-21, 23-25 and 27-29 that would be made available at discounted sale, with the level of discount set at 30% below open market value);
  - b) a financial contribution of £5,500 towards speed limit changes and traffic calming measures;
  - c) a financial contribution of £122,770 to Cumbria County Council towards education provision;
  - d) the maintenance of the informal open space, play provision and SUDs within the site by the developer;
  - e) financial contributions of £9,533.27 towards the upgrade of off-site sport pitches and recreation provision, and, £5,382.03 towards the upgrading and maintenance of off-site open space.
- 2) That should the legal agreement not be completed within a reasonable time, authority be given to the Corporate Director of Economic Development to refuse the application.

Mr Brazendale (Objector for himself and on behalf of Ms Emmerson, Mr Dickinson and Ms Cox) spoke against the proposal in the following terms: the existing drainage system was already at capacity serving the existing dwellings in the vicinity of the application site; regular flushing of the drains were undertaken by United Utilities which caused foul water ingress into Ms Emmerson's property – video footage was shown on screen which illustrated the issue; increasing the number of properties using the drainage system would exacerbate the existing problems; the creation of the two accesses to the development was likely to cause lengthy road closures; there was a significant subsidence issue on Etterby Road that had yet to be resolved and doing so would necessitate a lengthy road closure; the increase traffic levels generated by the development would have a negative impact on road safety and would add to the degeneration of the existing highway infrastructure; the Etterby Road / Stainton Road junction was a 90° bend; the proposed access route contained several 90° bends and visibility was limited by existing hedgerows, in the event of remedial works being undertaken to Etterby Road, use of the proposed access road would increase; the provision of passing places was limited; there was no pedestrian access between the development and Stainton Road; the existing commercial operations in the vicinity of

the site meant that the imposition of a 20mph speed limit was essential; local services such as healthcare and education were already oversubscribed; the scheme would have a negative impact on local wildlife and there was the potential for the DRS site to cause pollution; the lack of paths and cycling provision would inhibit the Sustrans and Reivers Cycle networks; the cumulative impact of permitted development in the area in the preceding decade had seen the village of Stainton triple in size and had effectively transformed it from a semi-rural location to urban sprawl.

Councillor Dr Davison (Ward Member) addressed the Committee in the following terms: concerns expressed by residents in relation to the Stainton Gardens development had not been listened to, so there was a lack of confidence in the planning system; the impact of the cumulative development on services such as highways, drainage and education provision had been detrimental; the Highway Authority's response to the consultation had not responded to all the issues raised by objectors; Etterby Road had been made single carriageway as a result of the subsidence issue, addressing the matter would require a lengthy closure of the road; residents were concerned that the conditions requested by the Highway Authority were not sufficient; the Council's Green Spaces team had requested a play area be provided at the site due to a lack of footpath connections – how would children safely walk to school without adequate footpath provision; it was disappointing that Sustrans and Cycle England had not been consulted on the application; there was not sufficient pavement provision; the extension of the 30mph zone and traffic calming measures were not sufficient; the existing drainage system was at capacity and a resident was experiencing foul water ingress at their property; an assessment of the drainage system should be undertaken prior to the approval of the application; a solution for the issues at Etterby Road should be found prior to the application being approved; the site was not allocated for housing in the Local Plan; the site was part of a larger field and approving the application would provide a principle of development making further development on the field difficult to stop.

Councillor Ellis (Ward Member on behalf of himself and Kingmoor Parish Council) addressed the Committee in the following terms: the purpose of Local Plan policy HO 2 – Windfall Housing Development was to allow for smaller residential development on the outskirts of the city as such sites were unlikely to receive an allocation; the 33 dwellings proposed by the scheme made it a large development; it was clear that the proposal could be a pre-cursor to wider development at the field where the site was situated; Kingmoor Parish Council welcomed the extension of the 30mph zone, but felt that further consideration of the bend on the highway adjacent to Etterby House was needed; the proposed passing places should be marked with appropriate signage; a surface water drainage issue had caused the highway to flood on 21 May 2021; broadband connectivity in Stainton was unreliable and no fibre based services were provided; consultation was required regarding the unfenced Common Land owned by the Parish Council in relation to the provision of passing places on the highway.

Mr Greig (Agent) responded in the following terms: the issues raised by objectors related to the principle of development at the site's location rather than the physical development itself; when submitting an application for planning permission an applicant was required to use the skills of professionals in certain areas e.g. highways, the judgements of those professional were then independently assessed by experts from various government bodies; all the Statutory Consultee responses received either deemed that the impacts of the development were acceptable or were able to be made so via the imposition of appropriate conditions; the Committee's role was to determine applications in accordance with national and local planning policies and the submitted expert advice, any deviation from that advice must be based on evidence; the site not being allocated did not preclude development thereon; there were no allocated sites with a yield of 50 dwellings or less in the district; until such time as the St Cuthbert's Garden Village proposals were progressed the Council would be reliant on windfall sites to deliver its housing targets; the

submitted Planning Statement explained how the proposed scheme met each of the criteria in policy HO 2, the Planning Officer was also of that view;

*Highways Issues:* - the development would increase traffic, however, an assessment by the applicant's transport consultant of the increase in vehicular movements taken at the busiest period (7:00 – 8:00am) concluded an uplift in movements equating to one trip per two minutes. The assessment had been accepted by the Highway Authority, such an increase was not considered significant and to be well with the existing network's capacity.

In terms of the concerns for cyclists, there were streets, including those on designated cycle routes, where the vehicle movements are far higher. Underlying those objections was a supposition that motorists would drive in a way that endangers the cyclists, that was not a matter within the applicant's control.

There were no footpaths on a limited part of Etterby Road; that scenario existed in various locations where developments were permitted, particularly in the outlying villages. The absence of a continuous pavement had not been considered a fatal issue when Stainton Gardens was approved, nor had it proved to be dangerous for those residents since. It may equally be considered the presence of a pedestrian walking along the road caused drivers to be more cautious.

In light of Councillor Dr Davison's written objection, the applicant was agreeable to the imposition of a 20mph limit through Etterby. Given the Highway Authority's supportive stance the matter ought not to be a precursor to development.

The proposed scheme would provide a number of highway improvements: the creation of a gateway feature when entering Etterby from the by-pass, including extending the 30mph zone; the provision of passing places along the road that leads to the by-pass itself; and the provision of an improved pedestrian link via Stainton Gardens that would be beneficial for the residents of the estate, and for others who already walked in the area.

*Drainage:* - United Utilities had advised that there was not an issue with the foul drainage system and that it contained adequate capacity. The applicant and the Council could only work on the basis of the advice received from United Utilities. It appeared that the household experiencing foul drainage issues was an isolated case.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- Policy HO 2 did not specify a maximum number of dwellings permitted at a development; schemes of 100 dwellings had been permitted under the policy previously, the adjacent Stainton Gardens development had been permitted under that policy; in assessing compliance with the policy the principle concern was that any proposed development would not impact the delivery of the Spatial Strategy; due to the existing residential development in the area and the landscape buffer at the site, the application was considered to accord with the policy;
- United Utilities response to the application was set out on page 132 of the Main Schedule, it confirmed there was no capacity issue with the drainage system. In relation to the individual household experiencing foul water ingress, the Planning Officer set out her understanding of the associated infrastructure noting that a Section 104 agreement may be required and that in such circumstances any maintenance costs would be borne by United Utilities.

The Committee outlined the following concerns regarding the application; the proposed footpath should be constructed to an all weather standard suitable for pedestrians and cyclists, and

include appropriate signage; the need for regular maintenance of the drainage system by United Utilities; no Road Safety Audit had been carried out; existing road safety issues on Etterby Road, particularly in relation to cyclists and vehicles; no Noise Impact Assessment had been carried out in relation to the DRS operation and the application site; lack of school place provision; insufficient street lighting provision.

A Member commented that he had personally visited the site prior to the meeting, he was of the view that the virtual site visit had not given Members sufficient understanding of the site in context. He proposed that determination of the application be deferred in order for a site visit to be undertaken and for the Council to undertake investigations with regard to issues raised during their discussion and in particular highway safety. The proposal was seconded and following voting it was:

RESOLVED: That consideration of the application be deferred in order to undertake a site visit; for the Council to undertake further investigations with regard to issues raised during their discussion and in particular highway safety; and, to await a further report on the application at a future meeting of the Committee.

**5. Erection of 7no. dwelling in site of former builders yard and paddock, Builders Yard, Brookside House, Thurstonfield, Carlisle, CA5 6HQ (Application 21/0115).**

The Planning Officer submitted the report on the application which had been subject of a virtual site visit by the Committee on 21 July 2021. Slides were displayed on screen showing: location and block plans as proposed; proposed layout; previously approved planning application plan 15/0001; layout for previously approved application 15/0001; plans for Type A, Type B, Type C and Type D houses and garages; street scenes looking North, South and West; location and block plan as proposed and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

A Member moved the Officer's recommendation which was seconded and following voting it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes.

**6. Change of use from dwelling (Use Class C3) to 1no. Holiday Let (Sui Generis) (Retrospective), The Paddock, Paving Brow, Brampton, CA8 1QU (Application 21/0267).**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; floor plan and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The applicant had initially requested temporary permission for the proposal as they wished to honour bookings which been cancelled as a result of the Covid 19 pandemic restrictions. It was

now understood that the applicant intended to continue with the proposed operation on a longer term basis. The applicant was aware that, should they in future wish to return property to domestic dwelling usage, further planning permission would be required.

A Member moved the Officer's recommendation which was seconded and following voting it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes.

- 7. Change of Use of redundant agricultural barn to provide 1no. new dwelling & extension to accommodation adjoining Gin Case; construction of new entrance and 2no. car parking spaces to rear within existing garden area to serve new dwelling and Gin Case, Castle Hill Brampton, CA8 9JA (Application 21/0374).**
- &**
- 8. Change of Use of redundant agricultural barn to provide 1no. new dwelling & extension to accommodation adjoining Gin Case; construction of new entrance and 2no. car parking spaces to rear within existing garden area to serve new dwelling and Gin Case, (LBC) Castle Hill Brampton, CA8 9JA (Application 21/0375).**

*Councillor Tinnion, having declared an interest in the items of business, removed himself from his seat and took no part in the discussion nor determination of the application.*

The Principal Planning Officer submitted the report on the applications. Slides were displayed on screen showing: existing and proposed block plan and aerial view; elevations as existing; elevations as proposed; site plan as proposed; new access drainage details and photographs of the site, an explanation of which was provided for the benefit of Members.

The proposed new access and parking area was a contentious issue raised by objectors. The Parish Council had applied to have land near to the proposed access registered as Common Land; were that registration to be approved the applicant would have to drive over that land in order to access the new driveway. The Principal Planning Officer advised the Committee that the issue was not a planning matter.

The Principal Planning Officer recommended that the applications be approved subject to the conditions detailed in the report.

Councillor Tinnion (Ward Member) addressed the Committee in the following terms: the residents and Parish Council, whom he spoke on behalf of, did not object to the proposed development. However, they had significant concerns in relation to the proposed surface water drainage arrangements as the application indicated that the surface water would be channelled down a hill with a 1 in 4 gradient, discharging on to Beck Lane, which did not have gullies. From there the surface water would discharge at speed onto the highway at Briar Lonning, potentially creating a significant impact.

Councillor Tinnion outlined the flood history of the area, he noted that the Lead Local Flood Authority had not objected to the proposal which he attributed to the discharge being directed to a dead-end lane.

Mr Hutchinson (Agent) responded in the following terms: providing an overview of the national drainage hierarchy, wherein infiltration was the preferred method of managing surface water drainage; the application provided infiltration options such as the use of permeable gravel in the proposed parking area, the discharge from which would be directed to a deep gravel trench at the southern boundary of the site; the design of the surface water drainage system provided

sufficient capacity to adequately address a storm event; the applicant further proposed the opening of an existing culvert within their land, thereby increasing the volume of storage available and reducing the risk of surface water flooding; the Lead Local Flood Authority was satisfied with the proposed arrangements.

The Principal Planning Officer added that the driveway area was not likely to generate a significant volume of discharge and that it would be captured by the proposed aco channel drains; as such the proposal was expected to provide a betterment to the current situation.

The Committee then gave consideration to the application.

The Principal Planning Officer confirmed that the site had an existing access to the main property.

A number of Members expressed strong concerns regarding the proposed new access to the site given that it would require vehicles to travel over a hill with a 1 in 4 gradient and indicated a preference that the existing access be used for the scheme.

A Member considered that the steepness of the access meant that many drivers would not be comfortable navigating such an access, particularly in inclement weather conditions. In such circumstance it was likely that they would park their vehicle(s) at the road end at the bottom of the access; that area was already used by residents as a turning circle. Resultantly, the Member was of the view that the proposed scheme was not compliant with Local Plan policies EC 11 – Rural Diversification and SP 6 – Good Design.

In response to the concerns expressed, the Chair sought clarification as to whether it was feasible for Officers to relay the issue to the applicant.

The Development Manager advised that the proposed consent was based on the application as submitted, altering the proposal would require amendments to the conditions contained therein and the approved drawings. He suggested that Officers raise the matter of using the existing access with the applicant, in the event that the proposal was agreeable, delegated authority be given to the Corporate Director of Economic Development to approve the application. Should the proposal not be accepted, a further report on the application be submitted to a future meeting of the Committee for Members consideration.

A Member proposed that the application be deferred in order to: a) give further consideration to the proposed parking. If the parking can be achieved utilising the existing access to the site combined with courtyard parking the application be delegated to the Corporate Director of Economic Development to approve;

b) That should the parking proposals not be altered then the committee await a further report on the application at a future meeting.

The proposal was seconded and following voting it was:

RESOLVED: 1) That determination of the application be deferred in order to give further consideration to the proposed parking. If the parking can be achieved utilising the existing access to the site combined with courtyard parking the application be delegated to the Corporate Director of Economic Development to approve.

2) That should the parking proposals not be altered then the committee await a further report on the application at a future meeting.

- 9. Installation of payment machines, ANPR cameras and associated structures (timber poles) for signage, Car parks at Lanercost Priory and Tearooms, Lanercost, Brampton, CA8 2HQ (Application 21/0392)**  
**&**
- 10. Display of non-illuminated signage associated with payment machines and ANPR cameras, Car parks at Lanercost Priory and Tearooms, Lanercost, Brampton, CA8 2HQ (Application 21/0393)**

The Planning Officer submitted the report on the application. It was noted that page 286 of the Main Schedule contained a typographical error and that the reference to 'CCTV' ought to read ANPR cameras. Slides were displayed on screen showing: location plan; proposed site plan; sign elevations; examples of signage; payment machine elevations; camera pole elevations; location plan; proposed site plan; camera elevations and photographs of the site, an explanation of which was provided for the benefit of Members.

As set out in the report all of the proposed development relating to the tea rooms was deemed acceptable by Historic England and the Council's Heritage Officer as they considered that the siting would not have an adverse impact upon the setting of the Listed Buildings, nor would the proposal have an adverse impact upon the amenity of the area. As such those elements of the proposal were recommended for approval.

The pole signs and payment machines serving the Priory were not acceptable to Historic England or the Council's Heritage Officer as they considered that the siting of signage and payment machines in the proposed location would cause a high degree of harm to the setting of the Listed Buildings and the general amenity of the area. In such circumstances those elements of the proposals were recommended for refusal for the reasons outlined on pages 287 and 318 of the Main Schedule.

Accordingly, the Planning Officer recommended that a split decision be issued:

- a) approving the installation of signs, payment machines, ANPR cameras and associated structures (timber poles) subject to conditions for Naworth Tea Rooms as well as the ANPR camera and associated pole serving the Priory Car Park;
- b) the refusal of the signs, payment machines, and associated structures (timber poles for the signage) for the Priory car park.

Mr Angus (Objector) spoke against the application in the following terms: the Priory and Dacre Hall perform important roles for the local community and as a venue for cultural events; each year ten to twenty thousand people attended events at the site, in some instances the number of attendees for an individual event may be 300 – 400 people; The Priory was the local Parish Church; visitors were impressed by the intact nature of The Priory; The Priory was an integral aspect of the area's tourist offer and cultural identity; the view of The Priory from the archway was an iconic image with no intruding twenty-first century artefacts; the proposed machines and signage would undoubtedly affect the view and setting of several Listed Buildings and a Scheduled Monument in an unacceptable manner; no discernible public benefit mitigated the impact of the proposal; the introduction of charging would negatively impact local tourism the economics of the Church and Dacre Hall, the shared local heritage and community life; the introduction of charges was likely to displace vehicles and increase roadside parking.

Mr Cathers (Objector) spoke against the application in the following terms: the village hall and community centre dated back to 1169 and had offered events for the benefit of the community since that time; Dacre Hall and the Church received thousands of visitors per year who currently enjoyed the site freely and without hindrance; both applications were unacceptable; the whole site was of national historic importance; the view of the gateway had been as is for the preceding 500 years, the proposed scheme would destroy the beauty of the setting; there was a right of free

access for all users of the site; the impact of the proposed parking charges may make Dacre Hall untenable which would have a negative impact on the community groups it supported; Dacre Hall was part of the Scheduled Monument thus maintenance costs were high and not covered by the income from events, the Hall intended to pay for the upgrading of drainage infrastructure at the site, which was a significant cost it would take on.

Mr Gardner (Burtholme Parish Council) spoke against the application in the following terms: Burtholme was a very small parish area, yet 100 comments had been submitted on the application, an unprecedented number for a planning application in the area; the Parish Council did not object to the applications relating to the Tearooms; the view of The Priory through the gateway was iconic and had values in terms of health and wellbeing to economic input, altering the view would devalue it; the potential for the proposed scheme to impact on the amenity of residents was high given the potential for it to displace parking on to the roadside; it was not reasonable to expect local residents to pay to enter the site; the current costs of maintaining the car parks was acknowledged; it may be that other more compact solutions could be found to improve the proposal, but it did not appear that any such had been investigated; the Parish Council was prepared to participate in / lead any such exploration, therefore the application as submitted was premature.

Ms Borseley (Agent) responded in the following terms: the representation related only to the recommendation for refusal in respect of the Lanercost Priory Car Parking site; issues relating to potential car park charges and payments, displacement of parking to the roadside and right of access to the Parish Church and Dacre Hall were not planning matters; it was not uncommon for operational car parks to be sited within designated heritage assets; the proposed scheme would, through financial contribution to maintenance of the facility and the wider estate, ensure the longevity of the heritage assets; the operator worked with other traditional estates and understood the need to protect them; the design of signage would be in keeping with the wider estate colours, logos, etc; following submission of the application the location of the of the signage had been changed to make it easier for users to understand which car park they related to; Historic England had objected to the amended location on the basis that the new location was “... a much less sensitive site for the modern infrastructure...” – the applicant was of the view that there was a more suitable location in the Priory Car Park; the location of the machines and signage had been selected to reduce the visual impact on the Grade I Listed asset from the private driveway approach; the proposed machine and signage were to be positioned at the furthest point in the car park away from the heritage asset; it was necessary to position the infrastructure within the car park so that users were clear what they referred to and to comply with the British Parking Association; the signage at the gateway was to inform visitors that an ANPR camera was in operation – English Heritage had not objected to this; the signage was necessary for users to locate the machines; views from other Listed Buildings (the Gateway) were not necessarily protected, the protection related to the Listed Building (the Priory) and its setting; it was not clear how the Officer had assessed the signage and machinery proposed for the Priory as “visual clutter” when they were deemed acceptable in relation to the Tearooms; the level of infrastructure had been reduced to a minimum; the current use of the car parks arguably had a visual impact on the heritage assets and their settings; Paragraph 201 of the National Planning Policy Framework allowed for development in the vicinity of a heritage asset if it were demonstrated that the public benefits of a scheme outweighed the harm; the additional revenue generated by the proposed scheme would support maintenance of the car parking facilities and the wider estate, not implementing it may lead to a degradation of the facilities with potential negative impacts on the heritage assets; the applicant was happy to accept conditions similar to those outlined in the permission for the tearoom in respect of the signage for the Priory car park.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- There was not a justifiable planning reason(s) to refuse the applications relating to the Tearooms;
- The ownership of the whole site was not known, the application site as indicated by the red line boundary was entirely owned by Naworth Estates;
- There were a number of civil issues related to the application;
- The Highway Authority had not objected to the proposal, were parking to be displaced, and an obstruction to be caused, that was a matter for either the Highway Authority or Cumbria Constabulary;
- In forming the report recommendation an assessment of the degree of harm to the heritage assets had been carried out. In terms of the payment machines related to the proposed scheme for the Tearooms, they would be screened by existing hedging and would not be visible from the road. In order to refuse an application, Members needed to be confident that significant harm would be caused to a Listed Building by a development, the Planning Officer was of the view that was not the case in relation to the Tearooms proposal.

A Member moved the Officer's recommendation.

Another Member considered that Lanercost Priory was nationally significant and that the proposed scheme would cause more harm than benefit to the heritage assets. Therefore, she moved that the applications be refused on the grounds that they were not compliant with Local Plan policy HE 6 – Locally Important Heritage Assets.

The Development Manager advised that the Priory was not listed as a local heritage asset, therefore a more appropriate policy basis was HE 3 – Listed Buildings.

The Member moved that the applications be refused on the grounds that they were not compliant with Local Plan policy HE 3. The proposal was seconded.

A Member appreciated the rationale for the proposal to refuse both applications. He was concerned that in refusing both applications, that they may potentially both be permitted via an appeal to the Planning Inspectorate. On that basis, he seconded the proposal to support the Officer's recommendation.

The Chair noted that two proposals had been formally moved and seconded, he put the matter to the vote and, it was:

RESOLVED: 1) That the installation of signs, payment machines, ANPR cameras and associated structures (timber poles) for Naworth Tea Rooms be approved subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes.

2) That the installation of signs, payment machines, ANPR cameras and associated structures (timber poles) for Priory car park be refused for the reasons set out in the reports and as indicated on the Schedule of Decision attached to these minutes.

## **DC.071/21    STANDING ORDERS**

During consideration of the above item, 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 limit of 3 hours.

**11. Replacement of existing windows (LBC), Garth House, Greenfield Lane, Brampton, CA8 1AY (Application 21/0446)**

The Principal Planning Officer submitted the report on the application. Slides were displayed on screen showing: existing and proposed block and location plans; proposed window elevations and photographs of the site, an explanation of which was provided for the benefit of Members.

An objection to the proposal had been received on 21 July 2021 from The Georgian Group, which the Principal Planning Officer read out for the benefit of Members. The Council's Heritage Officer shared those views and was very concerned about the loss of the original windows.

The Principal Planning Officer considered that the proposed double glazing would result in a different appearance to the building, with crudely detailed and broader glazing bars and a loss of the variation and visual interest which individual handmade panes achieve; therefore, the proposal was contrary to national and local planning policies. Accordingly, the Principal Planning Officer recommended that the application be refused for the reasons detailed in the report.

Mr McGregor (Applicant) spoke against the recommendation in the following terms: the application had been submitted as part of ongoing works to the property which had been in a significant state of disrepair at the time of purchase; the suggestions made by the Council's Heritage Officer such as the use of thermal curtains were impractical and would not address the issue of heat loss from the property; double glazing would provide a higher degree of insulation, thereby reducing the property's carbon emissions; concerns regarding climate change ought to outweigh those of perceived harm to the building.

The Committee then gave consideration to the application.

A Member supported the Applicant's view and suggested that photographs of the existing windows may be taken as a record. He recommended that the application be approved along with conditions, including a photographic record of the existing windows.

With reference to Paragraph 128 of the National Planning Policy Framework, a Member noted that "... *planning should support the transition to a low carbon future*". Were Listed Buildings in general not permitted to embrace technologies that increased their thermal efficiency in the future, it was likely that habitation of them would decrease and instance of disrepair would increase. As such the benefits of approving the application extended beyond the individual proposal before the Committee.

Whilst recognising the Heritage Officer's concerns, the Member stated that the building was some way from being in the public eye. Moreover, it was unlikely that viewing the proposed windows from a distance, a lay person would identify them as not in-keeping with the rest of the building. Accordingly, he seconded the proposal to approve the application.

A Member recommended that the application be approved which was seconded and following voting it was:

The Chair noted that two proposals had been formally moved and seconded, he put the matter to the vote and, it was:

**RESOLVED:** That the application be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes.

*The Committee adjourned at 3:00pm and reconvened at 3:10pm.*

**12. Formation of MUGA (Multi Use Games Area) within sports field, Wetheral Playing Field, Wetheral, Carlisle, CA4 6HE (Application 21/0468)**

The Development Manager presented the report on the application. Slides were displayed on screen showing: site location; block plan, proposed site, ground level; and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The applicant had chosen to position the facility on the area of the site as there was an existing adjacent area of hardcore, and to allow for surveillance of the facility.

A number of Members suggested that users of the facility be permitted to park their vehicles in the nearby Parish Council car park.

The Development Manager undertook to raise the issue with the Parish Council as it was the applicant for the proposed scheme.

A Member moved the Officer's recommendation which was seconded and following voting it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes.

**13. Change of Use from industrial unit to day care centre for dogs, Unit 11, Willowholme Industrial Estate, Millrace Road, Willowholme, CA2 5RS (Application 21/0496)**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; site plan; existing floor plan; new floor plan; external plan and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- Condition 3 of the proposed Consent limited use of the facility to daytime (Monday to Saturday) and use outside that time was not permitted.

A Member moved the Officer's recommendation which was seconded and following voting it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes.

**14. Erection of 1no. dwelling with detached garage; access improvements at junction A689; upgrading of drainage arrangements (Revised application), Land adjacent to Oakfield, Milton, Brampton, CA8 1HX (Application 21/0328).**

The Principal Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; site, block and location plan; general arrangement; and photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- Notifications and site notices for the application had been published and four objections had been received;
- The future maintenance of the foul drainage system would require approval under Building Control regulations.

A Member moved the Officer's recommendation which was seconded and following voting it was:

**RESOLVED:** That the application be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes.

**15. Erection of 50no. dwellings (including 20% Affordable) with associated infrastructure and open space, land adjacent to Carleton Farm, London Road, Carlisle, CA1 3TY (Application 20/0500).**

The Development Manager submitted the report on the application which had been the subject of a virtual site visit by the Committee on 21 July 2021. Slides were displayed on screen showing: location plan; planning layout; landscape proposals; highways and drainage layout and photographs of the site, an explanation of which was provided for the benefit of Members.

The Development Manager recommended that:

- 1) Authority to Issue be given to the Corporate Director of Economic Development subject to the completion of a Section 106 legal agreement to secure:
  - a) the provision of 20% of the units as affordable (in accordance with the NPPF definition);
  - b) a financial contribution of £171,878 to Cumbria County Council towards education provision (Subject to viability);
  - c) a financial contribution of £8,267.25 towards toddler/infant provision and £14,643.89 towards off-site sports provision; and,
  - d) the maintenance of the informal open space within the site by the developer.
- 2) If the legal agreement not be completed, Delegated Authority be given to the Corporate Director of Economic Development to refuse the application.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- Education provision was the only area Cumbria County Council had indicated as being potentially affected by viability. However, a formal response was yet to be received which may identify the need to amend contributions in other areas;
- In relation to surface water drainage, Cumbria County Council as Lead Local Flood Authority (LLFA) had not been satisfied with the original proposals. Subsequently a new proposal comprising 3 control mechanisms had been proposed which they had agreed. As a result of the system it was not anticipated that the development would affect Sewell Lane.

A Member moved the Officer's recommendation which was seconded and following voting it was:

RESOLVED: - 1) That Authority to Issue be given to the Corporate Director of Economic Development subject to the completion of a Section 106 legal agreement to secure:

- a) the provision of 20% of the units as affordable (in accordance with the NPPF definition);
- b) a financial contribution of £171,878 to Cumbria County Council towards education provision (Subject to viability);
- c) a financial contribution of £8,267.25 towards toddler/infant provision and £14,643.89 towards off-site sports provision; and,
- d) the maintenance of the informal open space within the site by the developer.

2) If the legal agreement not be completed, Delegated Authority be given to the Corporate Director of Economic Development to refuse the application.

*Councillor Tinnion left the meeting at 3:50pm.*

## **DC.072/21 SCHEDULE B**

The Development Manager submitted the report which detailed other planning decisions taken within the district.

RESOLVED – That the report be noted.

[The meeting closed at 3:57pm]