

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 30 SEPTEMBER 2011 AT 10.00 AM

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

DC.67/11 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Mrs Farmer and Mrs Warwick.

DC.68/11 DECLARATIONS OF INTEREST

- Councillor Craig declared a personal and prejudicial interest in accordance with the Council's Code of Conduct in respect of Agenda item A.3 – Proposed amendments to 11/0181 – Kingswood Centre, Cumdivock), The interest related to the fact that the applicant was known to him and he was the Chairman of Dalston Parish Council. Councillor Craig indicated that he would retire from the meeting room during consideration of the matter.
- Councillor Bloxham declared a personal interest in accordance with the Council's Code of Conduct in respect of outline application 11/0605 – erection of 1 no. dwelling on land adjacent to 1 Lonning Foot, Rockcliffe, Carlisle CA6 4AB. The interest related to the fact that Councillor Bloxham was a Member of the Executive and Carlisle City Council was the applicant.

DC.69/11 MINUTES

The Minutes of the meetings of the Development Control Committee held on 6, 8, 13 and 15 July 2011 were approved and signed as a true record of the meetings.

The Minutes of the site visit meeting held on 28 September 2011 were noted.

DC.70/11 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.71/11 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) Proposed residential development including alterations to the public highway on South Western Terrace to form vehicle access, former WRD Currock Yard, Off South Western Terrace, Carlisle, CA2 4AY (Outline Application 10/0656)

The Development Control Officer submitted his report on the application which had been the subject of a site visit on 28 September 2011. He informed Members that the long delay in bringing the matter back to the Committee was due to the need to undertake some protected species surveys.

The proposals had been publicised by means of three site notices, a press notice as well as notification letters sent to one hundred and sixty one neighbouring properties. In response twenty four letters or e-mails had been received and the Development Control Officer summarised the issues raised therein.

The Development Control Officer outlined the background to the matter pointing out that access was to be determined as part of the current application, with all other matters (appearance, landscaping, layout and scale) reserved for subsequent approval. The site was in a sustainable location for housing and it should be noted that there was a need for housing in relation to the five year supply.

Location / indicative layout plans were displayed on screen.

The Development Control Officer explained that:

- a mix of dwellings would be provided, 30% of which would be affordable;
- although South Western Terrace would be the only vehicular access to the site there would also be a pedestrian / cycle link via Adelphi Terrace and a connection to the footbridge linking Lund Crescent with Denton Holme;
- a fifteen space car park for resident use only would be provided at South Western Terrace;
- lay-bys would be created on both sides of South Western Terrace, providing further parking for local residents (a residents' parking scheme could be put in place in South Western Terrace in consultation with residents – often residents were opposed due to parking difficulties);
- in total there would be twenty nine spaces for twenty three dwellings; and
- there would also be improvements to the junction of South Western Terrace and Currock Road, the exact details of which would be agreed with the Highway Authority.

He added that the Highway Authority was happy with the access and proposed changes to South Western Terrace, and had asked for a £51,000 contribution to improve the existing footbridge that linked Lund Crescent with Denton Holme,

together with money to advertise and implement a Traffic Regulation Order (which could include a residents' parking scheme).

The existing footbridge was not DDA compliant and the County was looking to replace it. An element of flexibility would therefore need to be built into the Section 106 Agreement so that the money could be used to improve the existing bridge or to part fund a new bridge in a similar location.

The Development Control Officer reported that one issue raised by residents related to the incline on South Western Terrace and access difficulties during periods of icy / snowy weather. The Highway Authority wanted grit bins to be provided, to be paid for by the applicant and agreed through the Section 178 Agreement.

The development would incorporate a number of green areas and enhancements for wildlife. An assessment of Likely Significant Affects had also been undertaken by Lloyd Bore Ecological Consultants, which concluded that the proposal was acceptable subject to conditions to protect existing species and provide wildlife enhancements. That had been signed off by Natural England.

In conclusion, the Development Control Officer recommended that Outline Planning permission be granted and that Officers be authorised to release the Notice of Decision, subject to the completion of a satisfactory Section 106 Agreement covering relevant matters set out in the report.

Mr Mike Ward (Objector) stated that he was a resident of South Western Terrace and, like many other residents, was opposed to the development on traffic grounds. He emphasised that it was a nightmare to exit the road at any time and felt that one access point for the amount of traffic that would be generated was wrong.

Mr Ward added that a Ward Member had suggested that, if the development was to go ahead, an alternative vehicular access route must be found. That had not been done, and he questioned whether it had even been looked into.

In response, Mr Arnold Ashton (Agent) pointed out that a Transport Assessment had been produced. Extensive pre / post application discussions had been entered into with the Highway Authority which had resulted in an acceptable scheme. It had been confirmed that one vehicle access was sufficient and best provided via South Western Terrace. Works would include widening the carriageway in order that two cars could pass safely. He added that, although access could be provided via Adelphi Terrace /Red Bank Terrace there would be issues e.g. visibility onto Currock Road from those streets was limited.

The site was situated within 1 km of the City Centre and was therefore very accessible. A contribution would be made towards upgrading the footbridge. In response to an area of key concern the applicants proposed to provide an off-street parking area. In addition, Condition 27 required a Construction Environmental Management Plan to be submitted and agreed, in writing, prior to commencement of the development. That scheme would address issues including the management of noise, dust and vibration and would be undertaken in consultation with residents.

In conclusion, Mr Ashton concurred with the recommendation for approval and trusted that Members would also agree.

The Committee then gave detailed consideration to the application.

In his capacity as Ward Councillor, a Member emphasised the importance of accessibility for disabled people. He urged everyone to give consideration to a new bridge as a top priority.

Having visited the site, another Member was delighted with the proposed mix of housing in line with the Housing Strategy. He stressed the importance of ensuring that the parking provided for residents was not used by people working close by, adding that consideration could be given to reducing the speed limit to 20 mph. Other Members suggested the use of traffic lights during busy periods, and that the tree losses referred to may be a sacrifice worth making to achieve an access with which everyone could be content.

In discussion, a number of Members then expressed serious concern with regard to the proposed vehicular access from South Western Terrace referring, in particular, to the width, gradient and surfacing of that road; parking arrangements; restricted visibility; and increased traffic volumes as a result of the development. The coach had experienced difficulty in exiting the site following the site visit on 28 September 2011. It was suggested that consideration could be given to imposing a one way system as a means of reducing traffic flow in the area.

In response, the Development Control Officer advised that alternative means of access (including a one-way system) had been extensively explored with the Highway Authority. South Western Terrace met highway requirements and was considered to be the only option. The previous use of the Currock Yard by the railway industry would also have involved vehicle movements. He added that Condition 23 governed works to South Western Terrace (including works to the junction with South Western Terrace and Currock Road) and sought to ensure that it was built to an acceptable standard. It should be noted that the site could be used without the need for planning permission, which had been taken into account by the Highway Authority.

Referring to the residents' parking scheme, a Member suggested that the full cost should be borne by the applicants.

In response to a question, the Assistant Director (Economic Development) cautioned that refusal of permission on highway grounds would be difficult to justify because of the response from the Highway Authority.

A Member moved that the application be deferred to enable the Highway Authority to undertake further investigations into access arrangements to serve the proposed development, which was duly seconded.

A Member requested that a representative of the Highway Authority be invited to attend when the matter came back before the Committee.

Following voting, it was

RESOLVED – That consideration of application 10/0656 be deferred to enable further investigations to take place with regard to highway issues.

(2) Erection of 2 no wind turbines (20kW) 20.6 metre hub height, 27 metre tip height and all associated works, Cargo Farm Cottage, Cargo, Carlisle, CA6 4AW (Application 11/0338)

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

The application had been advertised by means of a site notice and notification letters sent to twenty six neighbouring properties. In response two letters of objection had been received and the Development Control Officer summarised the issues raised therein.

Members' attention was also drawn to additional correspondence received, copies of which were reproduced within the Supplementary Schedule.

The Principal Development Control Officer reported that Environmental Services had no objections with regard to noise; and further information had been received confirming that the proposal should not cause problems because of shadow flicker.

Slides of the site were displayed on screen and explained to the Committee.

He further explained that the proposal was in accordance with the overall objectives of Government energy policy. That was in the context where Cumbria had a target of providing 210 MW by 2010 rising to 247.5 MW by 2015 with actual provision standing at 143 MW. The benefits of the proposal included effective protection of the environment through the reduction of greenhouse gas emissions and the prudent use of natural resources by reducing reliance on fossil fuels. The key principle of PPS22 required that the wider environmental benefits of the proposals should be given significant weight, and 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.

The Principal Development Control Officer advised that the application site lay within Landscape Character Sub Type 2c – Coastal Plain and was acknowledged under the Cumbria Wind Energy Supplementary Planning Document as having a capacity to accommodate a small group of 3-5 turbines. It was considered 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 to neighbouring residents.

The application was therefore recommended for approval subject to a series of conditions, details of which were outlined for the benefit of Members.

The Chairman noted that Mr Beattie (Objector) had registered a right to speak. She invited Mr Beattie to exercise that right, but no response was forthcoming.

In those circumstances, the Chairman informed Mr Graham (Applicant) that he had no need to respond.

The Committee then gave detailed consideration to the application.

A Member noted that Condition 3 related to removal from the site of all components should the turbines cease to be operational for a continuous period of twelve months. He questioned how that would be monitored. In response, the Principal Development Control Officer explained that the issue could be addressed via an enquiry from the date in question.

The Principal Development Control Officer and Planning Manager also clarified the position regarding the amount of energy produced by the turbines which would go to the national grid and the reasons for refusal of smaller applications for wind turbines.

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

(3) Demolition of existing dwelling and erection of replacement dwelling for estate staff, Townhead Cottage, Townhead, Hayton, Carlisle (Application 11/0433)

The Principal Development Control Officer submitted his report setting out the background to the application, together with a description of the design and site location. He outlined the main issues relative to the proposal.

The application had been advertised by means of a site notice and the direct notification to two neighbouring properties. Interested parties were formally re-notified following receipt of revised plans on 15 August 2011. In response fifteen formal objections and two written comments had been received and the Principal Development Control Officer summarised the issues raised therein.

Members' attention was drawn to five additional letters of objection, copies of which were contained within the Supplementary Schedule, together with a further report regarding bats,

A letter and plans and also been received from Mr G Stephenson (Agent acting on behalf of the occupiers of Woodleigh). The accuracy of the drawings had been queried, it was alleged that Criterion 2 of Policy H10 was being ignored and there would be a detrimental impact on the character of the area.

Plans and slides of the site were displayed on screen, an explanation of which was provided.

Referring to plans submitted by the Agent, the Principal Development Control Officer explained the current position with regard to positioning of the shower units and proposed siting to create distance away from Woodleigh.

The Principal Development Control Officer then reported that a further issue had arisen as to whether it was reasonable to impose a condition withdrawing permitted development rights. He informed Members that it would be possible to impose an additional condition removing permitted development rights for any first floor side and rear extensions on the western and northern sides.

In summary, he reported that the site was subject to a number of constraints with regard to the nature of the existing dwelling, the relationship to the neighbouring property at Woodleigh, the three existing mature trees on the site and bats using Townhead Cottage as a roost.

Whilst the principle of the proposal was acceptable, the scale of the proposed replacement dwelling was contrary to criterion 2 of Policy H10 of the Local Plan 2001-2016 and involved the loss of two mature trees. Conversely, there were a number of other material considerations that weighed in favour of the proposal.

In conclusion, the Principal Development Control Officer recommended approval based upon the revised plans and subject to an additional condition removing permitted development rights.

Mr Stephenson (Agent) addressed the Committee. He contended that the application did not comply with Planning Policy H10 (Replacement Dwellings in the Rural Area) highlighting, in particular, Criterion 2 which limited the scale of a dwelling to no more than a 15% increase in the footprint of the original dwelling. The proposal was not therefore acceptable.

Mr Stephenson further outlined a number of concerns, including the fact that the proposed dwelling had a much greater footprint than the original dwelling and was not located on the original footprint; site levels had not been lowered so that the proposal was less obtrusive to his clients' property; and the need for an entrance to enable disabled people to get to the front door. He did not agree that there would be no detrimental impact from the development.

In summary, Mr Stephenson said that the application had not been dealt with in a fair and transparent way. It contravened Policy H10; all information was not included within the Officer's report and he therefore asked that permission be refused.

Mr George Cummins (Agent) explained that his client's original brief was to refurbish and extend the existing dwelling. However, due to the poor condition of the dwelling, his advice was to demolish it and build a new house which conformed to new energy conservation standards. The proposal was now more in line with other properties, the intention being to reduce the impact on Woodleigh.

Referring to the issues of disability and level access, he advised that those were determined by the existing drive and access. A report had been submitted to the Officer. His client did not wish to interfere with the existing access.

As regards the accuracy of the drawings, Mr Cummins explained that an independent Surveyor had been employed to survey the site using GIS system. Therefore accuracy transferred all the way through. In addition, he had checked all drawings and found no discrepancy.

The Committee then gave consideration to the application.

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

(4) Erection of 1no dwelling, land adjacent 1 Lonning Foot, Rockcliffe, Carlisle CA6 4AB (Outline Application 11/0605)

Councillor Bloxham, having declared a personal interest, made no comment on the matter.

The Development Control Officer submitted her report setting out the background to the application, together with a description of the site and proposed design. She outlined for Members the main issues to be borne in mind in determining the matter.

The application had been advertised by means of a site notice and the direct notification to nine neighbouring properties. In response twelve letters / e-mails had been received and the Development Control Officer summarised the issues raised therein.

By way of assistance to Members a series of photographs were displayed on screen, an explanation of which was provided.

Subsequent to preparation of the report a further e-mail of objection had been received from an occupier of Rockcliffe, the main issue raised relating to highway safety. In addition, an e-mail had been received from the applicant requesting that, should the application be approved, Condition 1 be amended to extend the period for submission of a Reserved Matters Application from one to three years. That request was not considered to be unreasonable as it would allow an appropriate period of time in which to market the application site.

In conclusion, the Development Control Officer advised that the application site was within the settlement boundary of Rockcliffe and, as such, the principle of development was acceptable. The scale, design and use of materials in the proposal would positively contribute to the character of the area, with adequate car parking, access and amenity space provided within the curtilage of the site. The Development Control Officer added that the dwelling could be accommodated within the site without resulting in any demonstrable harm to the living conditions of the occupiers of neighbouring residential dwellings or the floodplain. Therefore the Development Control Officer recommended approval of the application, subject to an amendment to Condition 1 as outlined above.

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

- (5) Removal and replacement of larger roof light in kitchen; removal of small kitchen window and replacement of sliding sash window with stone surrounds; renewal of rainwater pipe in black Upvc, removal of stone chimney breast within kitchen and installation of combination boiler in cellar and associated external vent; installation of steelworks into wall to allow for support of outside wall; re-levelling of lounge floor, lifting of existing floor and packing underneath, 56 Front Street, Brampton, CA8 1NT (Application 11/0706) (LBC)**

The Development Control Officer submitted her report providing background details, together with a description of the design and application site. She outlined the main issues for consideration in relation to the proposal. She further informed Members that, although the applicant was an employee of the City Council, she had not been involved in determination thereof outside of her role as applicant.

The application had been advertised by means of a site notice, press notices and the direct notification to six neighbouring properties.

Subsequent to preparation of the report consultation responses had been received from Brampton Parish Council and the City Council's Heritage Officer, both of whom had no objections to the proposal.

The Development Control Officer advised that, in overall terms, the scale and design of the proposal was acceptable and would not have an adverse impact on the Grade II Listed Building. In all aspects the proposal was compliant with the relevant policies contained within the adopted Local Plan. Accordingly, the application was recommended for approval.

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

- (6) Erection of single storey rear extension to provide kitchen, dining/living room and games room, 190 Dalston Road, Carlisle, CA2 6DY (Application 11/0721)**

The Development Control Officer submitted her report setting out background information, together with a description of the design and application site. She further outlined the main issues for consideration by Members. In addition, it should be noted that, although the applicant was an employee of the City Council, he had not been involved in the determination of the application outside his role as applicant.

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

In conclusion, the Development Control Officer advised that the proposals did not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking and unreasonable loss of daylight or sunlight. The scale and design of the proposed rear extensions were considered acceptable in relation to the dwelling and would not have a detrimental impact on biodiversity. In all aspects the proposals were considered to be compliant with the objectives of the relevant adopted Development Plan policies. The application was therefore recommended for approval.

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

(7) Erection of smoking shelter to the west elevation, Harraby Catholic Club, Edgehill Road, Carlisle, CA1 3PQ (Application 11/0601)

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

The application had been advertised by means of direct notification to thirteen neighbouring properties. In response one petition containing twenty signatures and an attached letter questioning the necessity of the shelter had been received.

In conclusion, the Development Control Officer advised that the proposal did not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking and unreasonable loss of daylight or sunlight. The scale and design of the proposed shelter was acceptable in relation to the premises and it would not have a detrimental impact on biodiversity. In all aspects the proposals were considered to be compliant with the objectives of the relevant adopted Local Plan policies. The application was therefore recommended for approval.

In considering the matter, a Member expressed objections on health and safety grounds commenting that he would vote against the application.

Another Member reminded the meeting that Healthy City Week would take place during October, one issue being the use of tobacco by young people.

It was moved and seconded that the application be approved.

Following voting, it was

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

Pursuant to Procedure Rule 17,5, Councillors Bloxham and Whalen wished it to be recorded that they had voted against the above decision on health grounds.

DC.72/11 QUARTERLY REPORT ON PLANNING ENFORCEMENT

The Planning Enforcement Officer submitted Report ED.33/11 updating Members on the scope of activities undertaken by the Planning Enforcement Officers.

He explained that, as at 19 September 2011, one hundred and eighty one enforcement cases had been recorded and outlined the nature of those cases. He added that one hundred cases had been resolved; twenty nine cases from 2010 and seven from 2009 were still active. Enforcement Notices had been issued in four cases. The Enforcement Notice in respect of one case did not expire until December 2011 and, although negotiations were taking place on the remaining three, it was not expedient to take enforcement action at the present time.

The Planning Enforcement Officer updated Members on cases where Enforcement Notices or Section 215 Notices had been issued.

Photographs showing the previous untidy nature of one site, together with the improved position, were displayed on screen and explained to the Committee.

There were a number of training events scheduled for the future. They included the annual Enforcement Forum on 20 October 2011, the annual NAPE Conference on 10 November 2011 and the next meeting of the Cumbria Planning Enforcement Group on 18 November 2011.

The Assistant Director (Economic Development) commented upon the very difficult nature of the issues involved and commended the Enforcement Officer for action taken.

A Member echoed the sentiments expressed.

Another Member was concerned to ensure that action was taken immediately to prevent situations of the nature referred to developing in the future.

The Assistant Director (Economic Development), Planning Enforcement Officer and Legal Services Manager then responded to Members' questions.

RESOLVED: That Report ED.33/11 be accepted and noted.

DS.73/11 PROPOSED AMENDMENTS TO 11/0181 (KINGSWOOD CENTRE, CUMDIVOCK)

Councillor Craig, having declared a personal and prejudicial interest, retired from the meeting room during consideration of this item of business.

The Development Control Officer submitted Report ED.34/11 outlining a proposed amendment to application 11/0181 in relation to the Kingswood Centre, Cumdivock.

In June 2011 the Development Control Committee had granted authority to issue planning permission for the conversion of existing buildings from C2 (residential institution) to C3 (private residential) to provide seven residential units and one live/work unit at the Kingswood Centre, Cumdivock. That proposal included the change of use of some agricultural land to the rear of two of the proposed dwellings to domestic garden. The applicant had since sought an amendment to the approved scheme to remove that agricultural land, which was not in his ownership, from the application site.

Whilst the units would have small rear gardens as a result of the amendment, the new plots would be acceptable, given the large front gardens. In May 2009 an application was approved to convert the buildings at the site to ten live/work units. The gardens approved for the two units referred to in that scheme were the same as those currently proposed in the amendment.

The Development Control Officer further advised that the applicant had also sought to amend Condition 1 to enable him to have five years to implement the scheme rather than the currently agreed three years. That amendment was requested due to the current state of the housing market and the economic climate.

The requests for amendments were considered to be acceptable.

RESOLVED: (1) That the application site be amended to remove the agricultural land that was outside the applicant's ownership

(2) That Condition 1 be amended to allow five years for the implementation of the scheme.

[The meeting ended at 11.18 am]