

**Development Control Committee**

**Date:** Friday, 14 January 2022

**Time:** 10:05

**Venue:** Cathedral Room

**Present:** Councillor Ruth Alcroft, Councillor Mrs Marilyn Bowman, Councillor Nigel Christian, Councillor Mrs Christine Finlayson, Councillor Mrs Anne Glendinning, Councillor Keith Meller, Councillor David Morton, Councillor Paul Nedved, Councillor Christopher Southward, Councillor Raymond Tinnion  
Councillor Pamela Birks (for Councillor Lisa Brown), Councillor Mrs Linda Mitchell (for Councillor David Shepherd)

**Officers:** Corporate Director of Governance and Regulatory Services  
Corporate Director of Economic Development  
Head of Development Management  
Principal Planning Officer  
Planning Officer (x 2)  
Assistant Planning Officer  
Mr Allan, Cumbria County Council

**DC.004/22 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Brown and Nedved.

**DC.005/22 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 application 21/0449 – Land at Stonehouse Farm, Hayton, Brampton, CA8 9JE. The interest related to the landowner and objectors being known to him.

Councillor Christian declared an interest in respect of application 21/0449 – Land at Stonehouse Farm, Hayton, Brampton, CA8 9JE. The interest related to objectors being known to him.

Councillor Mrs Birks declared an interest in respect of application 21/1051 – 3 Etterby Scaur, Carlisle, CA3 9NX. The interest related to the applicant being known to her.

Councillors Mrs Birks, Mrs Bowman and Mrs Mitchell having not been present at the meeting of the Committee on 3 December 2021, when applications 21/0449 – Land at Stonehouse Farm, Hayton, Brampton, CA8 9JE and, 21/0641 – Yew House, Sikeside, Kirklington, Carlisle, CA4 6DR were considered, indicated that they would not take part in the discussion nor determination of the applications.

## **DC.006/22 PUBLIC AND PRESS**

RESOLVED - That the Agenda be agreed as circulated.

## **DC.007/22 MINUTES OF PREVIOUS MEETINGS**

RESOLVED - 1) That the Chair sign the minutes of the meetings held on 20 October (site visits) and 22 October 2021.

2) That the minutes of the meetings held on 3 December 2021 and 12 January 2022 (site visits) be approved.

## **DC.008/22 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS**

The Corporate Director of Governance and Regulatory Services set out the process for those members of the public who had registered a Right to Speak at the Committee.

## **DC.009/22 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. Application 21/0449 - Land at Stonehouse Farm, Hayton, Brampton, CA8 9JE**

**Proposal: Demolition of barns, erection of 9no. dwellings and associated infrastructure.**

*Councillors Mrs Birks, Mrs Bowman and Mrs Mitchell took no part in the discussion nor determination of the item of business.*

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

The Principal Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 12 January 2022. The Committee considered the application at its meeting of 3 December 2021 and deferred determination in order for a site visit to be undertaken.

Slides were displayed on screen showing: Location Plan; Proposed Site Plan; Elevation and Floor Plans; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer recommended:

1) Authority to Issue be granted to the Corporate Director of Economic Development subject to the completion of a satisfactory Section 106 agreement to secure:

a) a financial contribution of £85,588 towards affordable housing.

2) That should the legal agreement not be completed within a reasonable time, delegated authority be granted to the Corporate Director of Economic Development to refuse the application.

The Committee then gave consideration to the application.

A number of Members, whilst supporting the overall development were of the view that shared surface access to the site would be improved, in terms of pedestrian safety, by the addition of: a pedestrian footway / traffic calming measures / inclusion of signage.

In response Officers noted that: the shared surface as constructed was able to serve up to 25 dwellings; the shared surface already contained a number of 'build outs' which acted as traffic calming mechanisms; the shared surface was privately owned; the scale of the proposed development did not justify the inclusion of signage; it was likely that the land any signage would be displayed on was in private ownership. As such the imposition of a condition requiring any of the methods proposed by the Members was not reasonable nor enforceable.

Members remained of the view that further measures were needed to highlight to drivers that access to the development was via a shared surface used by pedestrians and considered the installation of signage at the entrance to the development, advising drivers of the presence of pedestrians would be useful.

The Corporate Director of Governance and Regulatory Services commented that Members concerns in respect of pedestrian safety were reasonable. Whilst the imposition of a condition was unlikely to meet the tests for a valid condition, Members may wish to consider issuing an Advisory Note with the permission requesting that the applicant consider the installation of signage

A Member moved the Officer's recommendation, and the issuing of an Advisory Note requesting that the applicant consider the installation of signage at the entrance to the development advising drivers that access was via a shared surface. The proposal was seconded and, following voting it was:

**RESOLVED:**

1) Authority to Issue be granted to the Corporate Director of Economic Development subject to the completion of a satisfactory Section 106 agreement to secure:

a) a financial contribution of £85,588 towards affordable housing.

2) That should the legal agreement not be completed within a reasonable time, delegated authority be granted to the Corporate Director of Economic Development to refuse the application.

3) That an Advisory Note be issued with the permission requesting that the applicant consider the installation of signage at the entrance to the development advising drivers that access was via a shared surface.

*Councillor Tinnion resumed his seat.*

## **2. Application 21/0641 - Yew House, Sikeside, Kirkclinton, Carlisle, CA6 6DR**

**Proposal: Change of Use of garage and part first floor to form holiday let.**

*Councillors Mrs Birks, Mrs Bowman and Mrs Mitchell took no part in the discussion nor determination of the item of business.*

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 12 January 2022. The Committee considered the application at its meeting of 3 December 2021 and deferred determination in order for a site visit to be undertaken.

Slides were displayed on screen showing: Location Plan and Block Plan; Floor Plans; Elevation Plans; 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, along with the imposition of a further condition preventing the separation of the unit from Yew House.

The Committee then gave consideration to the application.

In response to Members questions, Officers confirmed:

- Fear of crime was addressed in planning through the imposition of necessary measures. The Planning Officer had liaised with Cumbria Constabulary on the application which had confirmed its view that the proposed development was not likely to promote criminal activity. It had proposed that Condition 5 be expanded to make reference to crime prevention and deterrent measures. Officers understood that the applicant would provide the additional details in the Management Plan for the development;
- Currently the hot tub discharged into a gravel soakaway, the applicant was considering enlarging the soak away to increase its capacity. As the discharge was not into a watercourse a permit from the Environment Agency was not needed. Further detail on the hot tub waste water management proposal would be submitted with the Management Plan for the development.

A Member moved the Officers 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.

## **3. Application 19/0244 - Land at field 3486, Monkhill Road, Moorhouse, Carlisle**

The Chair advised that the application had been withdrawn from discussion.

RESOLVED - That the application be withdrawn from discussion.

## **4. Application 21/0768 - 24 Hendersons Croft, Crosby on Eden, Carlisle, CA6 4QU**

The Chair advised that the application had been withdrawn from discussion.

RESOLVED - That the application be withdrawn from discussion.

## **5. Application 21/0867 - Stoneleath, Burgh by Sands, Carlisle, CA5 6AX**

### **Proposal: Erection of single story side extension to provide a 1no. ensuite bedroom and widening of existing vehicular access**

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 12 January 2022. Slides were displayed on screen showing: Location Plan; Proposed Site Block Plan; Proposed Floor and Elevations Plans; 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 proposal had been submitted as a result of a particular need from the existing residents at the property. However, the applicant had stated that they did not wish to make that need a specific requirement of the proposal, therefore Local Plan policy H0 10 – Housing To Meet Specific Needs was not applicable to the proposal;
- There were a number of dwellings within the village that had wood cladding on external walls, the proposed black on timber would have a recessive appearance and would offer a complimentary or contrasting view to the existing structures at the site. A Planning Inspectorate Appeal at a site at Long Burgh had been sympathetic to the use of wood cladding;
- The Council's Heritage Officer had been consulted on the proposal and was of the view that the proposed materials were permissible;
- The existing dwelling had sufficient visual character to be able to absorb the proposed palette of materials, and so to its design and position would not harm the Burgh by Sands Conservation Area.

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. Application 21/0847 - Land adjacent to Shortdale Cottage, Tarraby Lane, Tarraby, Carlisle, CA3 0JT**

### **Proposal: Erection of 2.no dwellings (Reserved Matters Application pursuant to Outline Approval 18/0796).**

The Head of Development Management submitted the report on the application. Slides were displayed on screen showing: Location Plan; Block Plan As Existing; Site Plan As Proposed; Floor Plans and Elevations As Proposed; Street Elevations As Proposed; and, photographs of the site, an explanation of which was provided for the benefit of Members.

Following the publication of the report Stanwix Rural Parish Council had submitted a further letter of objection to the application relating to concerns in respect of the scale of the proposed dwellings and their proposed heights. The Head of Development Management summarised the points of the objection and responded to the issues raised therein. He advised that, were Members minded to approve the application, it would be appropriate to amend Condition 2 to remove the submitted Street Elevations Plan from the list of Approved Drawings

The Head of Development Management recommended that the application be approved subject to the conditions detailed in the report along with the removal of the Street Elevations Plan from Condition 2 – Approved Drawings.

Mr Nicholson (Stanwix Rural Parish Council) objected to the application in the following terms: the scale and massing of the proposed development were too large and amounted to over dominance, the proposal should be refused on that basis; the proposed ridge heights of the dwellings were very high; the design was more in keeping with the nearby Persimmon development rather than vernacular of the application site's location.

Mr Nicholson suggested that the proposal be re-designed to reduce the ridge height by the use of dormer bungalows, such a format would graduate the site, reduce the massing and provide a transitional view from the existing settlement to the Persimmon development.

Mr Greig (Agent) responded in the following terms: a detailed response had been submitted in relation to the Parish Council's written objection, and the Officer had addressed the points in his presentation of the report; Conditions imposed on the Outline Permission may not been considered at the Reserved Matters application stage; the proposed dwellings exceeded the minimum separation distance required to both the Persimmon development and Shortdale Cottage and Shortdale Farm; the size of the eaves of the proposed dwellings was 5.2m that was comparable to the Persimmon development which had eave height of 5.1m; the ridge height of the proposed dwellings was 9.2m compared to 9.5m at the Persimmon development; the steep roof pitch was a traditional design which sought to emulate those of Shortdale Cottage and Farm properties; the visual transition from old houses to the urban design was a matter for the Persimmon development application, the current proposal would not have an adverse impact; the scale, appearance and context of the application were acceptable as such there was no policy justification to deviate from the Officer's recommendation.

The Committee then gave consideration to the application.

A Member moved the Officer's recommendation, and the proposal was seconded.

A Member asked what impact the removal of the Street Elevations plan from the approved documents would have on any permission given?

The Head of Development Management explained that the removal of the plans meant that information on set levels would not be provided. The ground level across the site varied, but the design of the dwellings remained as proposed, the floor levels at the site were to be addressed by a condition in the permission.

The Member responded that she agreed with the concerns set out by the Parish Council and felt that the visual impact of the proposed development could be softened.

The Head of Development Management set out the matters of the development that were subject of the current application (Access, Appearance, Scale, Layout and Landscaping), he noted the Parish Council had objected on the grounds of scale. Members would need to set out any specific changes they felt were required to make the proposed development acceptable, for example ridge height. It was a matter for the Committee to determine whether it then wished for the application to be deferred to enable Officers to discuss any changes with the applicant; or, whether to refuse the permission on the basis that the scale was unacceptable.

The Member sought clarification that the ridge height of the proposed dwellings would remain at 9.2m, but that the floor levels may increase.

The Head of Development Management confirmed that the ridge height was fixed as per the Approved Drawings but that floor levels may change, however, a floor height higher than those at the Persimmon development would not be considered acceptable.

The Member noted that such a position did not address the Parish Council's concerns.

The Head of Development Management acknowledged that was the case, he reiterated the options open to Members in respect of deferral or refusing the application.

The Member moved that determination of the application be deferred in order for Officers to discuss with the applicant the possibility of reducing the scale and massing of the proposed development.

Another Member requested that, were deferral to be agreed, the Committee undertake a site visit.

A Member proposed that determination of the application be deferred in order for Officers to discuss with the applicant the possibility of reducing the scale and massing of the proposed development, and that a site visit be undertaken. The proposal was seconded, and following voting it was:

RESOLVED: That determination of the application be deferred in order for Officers to discuss with the applicant the possibility of reducing the scale and massing of the proposed development, and that a site visit be undertaken.

## **7. Application 21/1012 - Rowanlea, 2 Hadrians Crescent, Gilsland, Brampton, CA8 7BP**

**Proposal: Raising of eastern property wall by 2.8m to match existing first floor extension; erection of new gable roof, first floor bedroom and bathroom.**

The Assistant Planning Officer submitted the report on the application. Slides were displayed on screen showing: Location Plan; Existing Elevation Plans; Proposed Elevation Plans; Floor Plans; 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 concerns raised by a Member regarding the loss of bungalow accommodation, the Committee discussed the matter and recent changes to relevant national planning policy.

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.

*The Committee adjourned at 12:00pm and reconvened at 12:10pm.*

## **8. Application 21/0111 - Eden Golf Club, Crosby on Eden, Carlisle, CA6 4RA**

### **Proposal: Change Of Use of part of golf course to allow for stationing of up to 100 caravans.**

The Head of Development Management submitted the report on the application which had been subject of a site visit by the Committee on 12 January 2022. Slides were displayed on screen showing: Site Location Plan; Block Plan; Elevations Plans; Outline Drainage Strategy Plan; and, photographs of the site, an explanation of which was provided for the benefit of Members.

Following the publication of the report Stanwix Rural Parish Council had submitted a further letter of objection to the application relating to concerns in respect of: whether the proposed units met the definition of a caravan as set out in the Caravan Sites and Control of Development Act 1960; and, the response to the application from Natural England requiring further information in relation to the potential for Great Crested Newts at the site prior to the issuing of any Planning Consent. The Head of Development Management summarised the points of the objection and responded to the issues raised therein.

The Head of Development Management recommended that the application be approved subject to the conditions detailed in the report.

Mr Nicholson (Stanwix Rural Parish Council) objected to the application in the following terms: the site visit had demonstrated to the Committee the elevated position of the application site; the proposed screening planting would take years to grow and the development would be visible in the meantime; reiterated the points of objection in respect of the impact on the River Eden and tributaries set out on page 226 of the Main Schedule; the proposed units did not meet the definition of a caravan as per the 1960 Act, particularly Section 13 and subsequent refinements from Case Law; were Members to be in any doubt that the proposed units were caravans, they should refuse the application; the scale of the proposal was akin to the creation of another village, which was not provided for in the Council's Local Plan; drainage details had not been provided.

Mr Nicholson suggested that the Committee consider the following options: reducing the scale of the development by limiting the scale to 25 units all of the same type or, approve the proposed 100 units, but request that the application be readvertised as 25 caravans or 75 lodges so that it may be addressed under different legislation.

Ms Lightfoot (Agent) responded in the following terms: the application sought permission for the Change Of Use of land from agricultural / golf course to permit the stationing of caravans; all details submitted in relation to the caravans were indicative only which was permissible in planning policy as it was the use of land that was to be determined not the specific model of caravan; the units used in the development would comply with the definition of a caravan as per the 1960 Act; the proposed units would be clad in timber; details in relation to foul drainage were provided in June 2021 and consulted on with the relevant Statutory Consultees, and confirmed discharge would be into the existing sewer network, the design of the system was being developed in conjunction with United Utilities; surface water drainage was to be addressed by means of a SUDS and the system would comply with the requirements of the Lead Local Flood Authority; access to the site would be via the existing golf course and the required visibility splays were achievable; traffic and cycle surveys had been undertaken which indicated that the proposal would not have an impact on highway safety; a Landscape and Visual Impact Assessment had been submitted which had informed the landscaping plans; the National Planning Policy Framework and the Local Plan were supportive of rural land based businesses.



The Chair invited the Officer to respond to the points made in verbal representations to the Committee.

The Head of Development Management reminded the Committee that planning permission was not able to duplicate other legislation. Were the application to be approved, an Advisory Note would be issued with the permission stipulating the need for the units to comply with the definition of a caravan as per the 1960 Act.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- Percolation tests carried out at the site demonstrated that infiltration was not a feasible mechanism for surface water drainage therefore, based on the hierarchy of options, storage on site would be used, in line with the Lead Local Flood Authority's stipulations, including run-off at greenfield rate;
- The details of the foul water drainage system would be subject to a Discharge of Conditions application;
- The site was not allocated in the Local Plan, however, the units were for holiday rather than residential use and it was unlikely that 100% occupancy would be achieved;
- The proposal was a diversification on an existing leisure use;
- The highway surveys had been carried at times when restrictions relating to the Covid 19 pandemic were not in operation;
- The Highway Authority was satisfied with the proposed scheme;
- A development of 25 units would not be viable;
- Condition 3 restricted the use of the units to holiday use with a maximum stay of 28 days.

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.

## **DC.010/22 STANDING ORDERS**

RESOLVED - That Council Procedural Rule 9, in relation to the duration of meetings be suspended in order that the meeting could continue over the 3 hour time limit.

### **9. Application 21/0762 - The Park, Rickerby, Carlisle, CA3 9AA**

**Proposal: Change Of Use of barns from residential use in association with The Park to provide 2no. dwellings**

The Planning Officer submitted the report on the application.

A Member proposed that determination of the application be deferred in order for the Committee to undertake a site visit so that Members were able to understand the position in relation to Heritage Asset designation.

The Planning Officer responded that the matter had been covered in-depth in the report and summarised the main points therein.

The Member was of the view that seeing the site in situ would be beneficial for Members' understanding. The proposal to defer determination of the site visit to undertake a site visit was seconded, and following voting it was:

RESOLVED: That the determination of the application be deferred in order for the Committee to undertake a site.

#### **10. Application 21/1051 - 3 Etterby Scaur, Carlisle, CA3 9NX**

##### **Proposal: Installation of wall mounted untethered electric vehicle charging point to front elevation (LBC)**

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

The Planning 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.

The Meeting ended at: 13:17