

**Development Control Committee**

**Date:** Friday, 25 February 2022

**Time:** 10:00

**Venue:** Cathedral Room

**Present:** Councillor Ruth Alcroft, Councillor Mrs Marilyn Bowman, Councillor Lisa Brown, Councillor Nigel Christian, Councillor Mrs Christine Finlayson, Councillor Mrs Anne Glendinning, Councillor Keith Meller, Councillor David Morton, Councillor Paul Nedved, Councillor David Shepherd, Councillor Christopher Southward

**Also Present:** Councillor Higgs (in his capacity as Ward Member), attended the meeting having registered a Right to Speak in respect of application 21/0655 – Land to the West of Steeles Bank, Wetheral, Carlisle.

Councillor Glover (in his capacity as Ward Member), attended the meeting having registered a Right to Speak in respect of application 20/0015 – Land off St Ninians Road and Cammock Crescent, Carlisle

**Officers:** Corporate Director Economic Development  
Head of Development Management  
Head of Legal and Democratic Services  
Principal Planning Officer  
Planning Officer x 3  
  
Mr Allan, Cumbria County Council

**DC.014/22 APOLOGIES FOR ABSENCE**

An apology for absence was submitted on behalf of Councillor Tinnion.

**DC.015/22 DECLARATIONS OF INTEREST**

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

Councillor David Morton declared an interest in respect of application 21/0655 – Land to the West of Steeles Bank, Wetheral, Carlisle. The interest related to objectors being known to him.

Councillor Keith Meller declared an interest in respect of application 21/0655 – Land to the West of Steeles Bank, Wetheral, Carlisle. The interest related to objectors being known to him.

Councillor Marilyn Bowman declared an interest in respect of application 21/0655 – Land to the West of Steeles Bank, Wetheral, Carlisle. The interest related to objectors being known to her.

Councilor Nigel Christian declared an interest in respect of the following applications:

- 21/0655 – Land to the West of Steeles Bank, Wetheral, Carlisle. The interest related to a relative owning property near the access to the site;

- 21/0677 – Units 10 and 10b, Townfoot Industrial Estate, Brampton, CA8 1SW. The interest related to objectors being known to him.

Councillor Christopher Southward declared an interest in respect of application 21/1154 – Former KSS Factory Site, Constable Street, Carlisle, CA2 6AQ. The interest related to objectors being known to him.

Councillor Nedved, having not been present at the Committee's meeting of 14 January advised that he would not take part in the discussion nor determination of application 21/0847 – Land at Shortdale Cottage, Tarraby Lane, Tarraby, Carlisle, CA3 0JT.

#### **DC.016/22 PUBLIC AND PRESS**

RESOLVED - That the agenda be agreed as circulated.

#### **DC.017/22 MINUTES OF PREVIOUS MEETINGS**

RESOLVED - That the minutes of the meetings held on 14 January and 23 February 2022 (site visits) be approved.

#### **DC.018/22 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS**

The Head of Legal and Democratic Services set out the process for those members of the public who had registered a Right to Speak at the Committee.

#### **DC.019/22 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 21/0655 - Land to the West of Steeles Bank, Wetheral, Carlisle**

##### **Proposal: Residential Development (Outline)**

*Councillors Mrs Bowman and Christian, having declared an interest in the item of business 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 23 February 2022.

Slides were displayed on screen showing: location plan; indicative site plan; landscape masterplan; site drainage layout plan; typical outfall to river plan; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended:

1) That the application be approved with conditions, subject to the completion of a Section 106 Agreement to secure:

- a) the provision of 30% of the units as affordable;
- b) a financial contribution of £5,500 towards traffic calming measures;
- c) a financial contribution of £233,600 to be paid to Cumbria County Council towards the provision of primary school places;
- d) a financial contribution of £142,500 to be paid to Cumbria County Council towards primary school transport;
- e) a financial contribution of £151,134 to be paid to Cumbria County Council towards the provision of secondary school places;
- f) a financial contribution of £10,020 to be paid to Cumbria County Council towards secondary school transport;
- g) the maintenance of the open space within the site by the developer; and,
- h) financial contributions of £26,200 towards the upgrading and maintenance of off-site open space, £20,000 towards the maintenance of off-site play facilities, and £6,500 towards the maintenance of off-site sports pitches.

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

Mr Thompson (Objector for himself, Mr Goddard and Ms Ridley) objected to the application in the following terms: the principle of development at the site was not opposed, but there were concerns regarding the proposal submitted; the application site was situated with a larger allocation site for housing in the Local Plan; the anticipated yield of the entire allocation site was 60 dwellings, a portion of the allocated site was currently under development – Prior's Garth with 9 dwellings; a small section of land had been added to the allocation site, but it did not appear to meet criteria 5 of Local Plan Policy HO 2 – Windfall Development; the indicative layout demonstrated that the proposed scheme was a contextual fit with its surroundings; the indicative layout created a series of cul-de-sacs which gave no sense of place or space; the Spatial Strategy stipulated that urbanisation should be avoided in the countryside; the proposed scheme was contrary to Local Plan policies SP 2 – Strategic Growth and Distribution and SP 6 – Securing Good Design; the Officer's report acknowledged a deficit in open spaces and play provision within the scheme, reduced density would provide for better quality open space and be in greater accord with policy GI 4 – Open Space; the existing drainage infrastructure in Wetheral was Victorian era, due to the system already managing discharge levels beyond its originally intended capacity there were existing issues relating to foul and surface water flooding, examples of which were shown by slides on screen, therefore it was essential that mitigation measures were included in the proposal to prevent any exacerbation of the existing issue.

Mr McGrath (Objector for himself and Mr Melrose-Woodman) objected to the application in the following terms: the proposed car parking provision was insufficient and would lead to congestion and parking on the highway; the inclusion of the parcel of windfall land in the application site would remove the existing overspill car park at the Village Hall which would affect the users of the facility and have a negative impact on highway safety; the proposed 70

dwellings may mean 140 cars using the proposed single access to the site which joined a busy main road; the proposed emergency vehicle access was not feasible as the lane it would encompass was not wide enough for 2 vehicles to pass; Policy SP 6 required necessary services and infrastructure be incorporated into a development without harm to retained features including green and blue matters, the proposed surface water drainage outfall did not meet that criteria; the inclusion of concrete foundation and steps at the proposed surface water outflow point was contrary to policy HE 7 – Conservation Areas; the surface water drainage would add run off directly into the River Eden which when in flood state would have a water level above that of the drainage outlet that may damage the structure and generate backflow into neighbouring properties; the surface water drainage proposals would cause a deterioration of water quality in the River Eden and was therefore not in accord with policies SP8 – Green and Blue Infrastructure and GI 3 – Biodiversity & Geodiversity.

Mr McGrath suggested that the Committee consider the following revisions to the scheme: reduce the number of dwellings to 30 – 40; review and increase car parking in conjunction with the Village Hall; reduce then number of dwelling sited in proximity to the Village Hall and the main road; reconsider the drainage proposals in the context of policies SP 6, HE 7, SP 4, SP 8 and GI 3; incorporate a foul water holding tank with discharge timed for system low flow rates; further detail be provided on the articles of the Section 106 agreement and how they would benefit the village.

Councillor Higgs (Ward Member) objected to the application in the following terms: the number of dwellings proposed was 20% higher than the indicative yield set out in the Local Plan; the proposed 70 dwellings were not of an appropriate scale and nature, commensurate with their setting nor would they enable the existing community to thrive; approval of the scheme would put pressure on school, healthcare and drainage provision and as such the scheme was contrary to Local Plan policy SP 2; the proposed surface water drainage outflow was not appropriate as it would be situated in a Special Area of Conservation and was therefore contrary to policy GI 1 -Landscapes; the proposals to develop the parcel of windfall land were no in line with Policy HO 2 as the scale and design of the proposed development were not in reflective of the existing settlement; policy HO 2 also required proposal to be “compatible with adjacent land users” and “enhance or maintain the vitality of the community – the proposal to develop the existing Village Hall car park was contrary to those requirements; policy HO 2 also required applicants to work closely with those affected to “evolve designs that take account of the views of the community”.

Councillor Higgs requested that the Committee consider deferring the application to allow for the following improvements to be made: reducing the number of dwellings to comply with policy SP 2; improving the drainage arrangements to comply with policy GI 1; and, for the applicant to work with the community to evolve designs that take account of their views.

Ms Lightfoot (Agent) responded in the following terms: as the application was for Outline permission with all matters reserved on an allocated site, thus it sought approval of the principle of developing the site, therefore reference to the number of dwellings was premature as the figures provided were indicative only; the impact of the scheme would be controlled via the imposition of conditions on any future Reserved Matters application; full ground investigations had been conducted at the site which indicated percolation was not a suitable means for managing surface water drainage; applicants were required to demonstrate a method of effective drainage at a site, the submitted proposals sought to meet that requirement, however, the final system may differ, but would be controlled by condition to meet the Lead Local Flood Authority’s (LLFA) stipulations; neither Natural England nor the LLFA had objected to the proposal, subject to the imposition of relevant conditions; the Highway Authority had not objected to the application; emergency vehicle access would only be via The Glebe, in the event of no other access being available; the Village Hall overflow car park was provided on a

temporary basis and was within the applicant's control; the Local Education Authority had specified its requirements in terms of financial contributions as part of the Section 106 agreement which was standard practice; the proposed scheme supported the delivery of the Council's strategic housing policies.

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- The drainage proposals submitted as part of the scheme were indicative only and sought drainage of the site was feasible, the final scheme may differ from those proposals. Any future Reserved Matters application incorporating drainage proposals would need to comply with the stipulations of the SUDS Manual and would be enforced by condition;
- Any discharge into the River Eden would be required to undergo a two stage treatment process to reduce level of pollution to acceptable levels and a separate discharge permit from the Environment Agency would be required;
- The application site was the last allocated for housing in Wetheral, in addition to the allocated area there was a small parcel of windfall land which was within the applicant's ownership, the inclusion of the windfall land did not prejudice the delivery of the allocated site;
- the provision of overflow car parking at the Village Hall was outwith the planning process and this would require separate discussions between the applicant and Parish Council.

A number of Members expressed concerns regarding the indicative numbers of dwellings submitted as part of the scheme and asked whether it was feasible to impose condition to limit the number to 50.

The Corporate Director advised that it would be difficult to impose a limit without a technical reason to require it. However, given Members' concerns consideration may be given to the issuing of an Informative, in the event of Outline Permission being granted.

A Member moved the Officer's recommendation along with the issuing of an Informative to request that the developer consider limiting the number of dwellings at the site to 50. The proposal was seconded, and following voting it was:

**RESOLVED:** 1) That the application be approved with conditions, subject to the completion of a Section 106 Agreement to secure:

- a) the provision of 30% of the units as affordable;
- b) a financial contribution of £5,500 towards traffic calming measures;
- c) a financial contribution of £233,600 to be paid to Cumbria County Council towards the provision of primary school places;
- d) a financial contribution of £142,500 to be paid to Cumbria County Council towards primary school transport;
- e) a financial contribution of £151,134 to be paid to Cumbria County Council towards the provision of secondary school places;
- f) a financial contribution of £10,020 to be paid to Cumbria County Council towards secondary school transport;
- g) the maintenance of the open space within the site by the developer; and,
- h) financial contributions of £26,200 towards the upgrading and maintenance of off-site open space, £20,000 towards the maintenance of off-site play facilities, and £6,500 towards the maintenance of off-site sports pitches.

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

3) That an Informative be issued with the permission to request that the developer consider limiting the number of dwellings at the site to 50.

Councillors Mrs Bowman and Christian resumed their seats.

## **2. Application - 21/0677 - Units 10 and 10b, Townfoot Industrial Estate, Brampton, CA8 1SW**

**Proposal: Creation of vehicular access to Unit 10 to provide separate accesses and parking areas to both units with the erections of a 1.2m high fence between; Change of Use of grassed areas to easter part of site to form storage compound with installation of 1no. 5m high floodlight column & 4no. 3m high floodlight columns and a 2mhigh fencing surrounding; implementation of tree planting on ground/bank between site and Townfoot Park.**

The Principal Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; proposed site plan; site sections plan; 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.

A Member asked why the proposed 5m floodlighting column was required and how it would fit into the context of the wider site development?

The Principal Planning Officer responded that the 5m column had been designed so as not to create light spillage and that it would only be used during the operating hours of the units.

The Member welcomed the lights use being tied to the hours of business operation but felt that in the winter months that its use may be over several hours per day, he indicated a preference for the height of the column to be reduced to 3m in line with the others proposed at the site.

The Principal Planning Officer noted that condition 3 of the permission required the applicant to submit details of lighting to the Local Planning Authority for approval.

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

**RESOLVED:** 1) 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 21/1154 - Former KSS Factory Site, Constable Street, Carlisle, CA2 6AQ**

**Proposal; Variation of Condition 2 (Approved Documents) and removal of Condition 13 (Emergency Vehicle Access) of previously approved application 18/0215 (Erection of 43no. dwellings) to amend the site layout to allow units 12 – 31 inclusive to use the adopted highway east of the site (Retrospective Application).**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; site layout plan; proposed site access and visibility splays 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.

Mr Ivison (Objector) objected to the application in the following terms: the current application was a further iteration of application 19/0935 which the Committee determined to refuse; the assertion that traffic from the development would spread out and use Dale, Freer and Blunt Streets to access Denton Street were not correct; Blunt Street provided the most direct access therefore was used exclusively by motorists; the traffic survey had been undertaken over a 30 minute period in the middle of the day which was not reflective of the overall traffic situation; the impact of the scheme had a detrimental impact for existing residents; it was likely that a number of incidents relating to vehicle damage had not been reported due to the impact on insurance premiums; the initial permission for the access had been temporary, the installation of bollards had occurred without planning permission with no enforcement action taken.

Mr Greig (Agent) responded in the following terms: a Supporting Statement had been submitted with the application which looked objectively at whether the proposal was justified; the approval of the 2018 application was based on the Council concluding the proposal would not have an adverse impact; the 2018 application (approved under Delegated Powers) had sought temporary permission to manage construction traffic and to avoid the creation of a rat run; whilst the objectors' concerns were appreciated the current proposal was identical to that accepted by the issuing of permission of the 2018 application, had any adverse impact been identified in relation to that application it would have been refused; there had been no suggestion in the 2018 report that the proposal was inappropriate, as such the Committee may not reach a different conclusion in its assessment of the application as to do so would be considered unreasonable behaviour.

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

The Planning Officer advised that the 2018 application had sought temporary permission and been assessed and determined on that basis: permanent use had not been considered. The report on the 2018 application noted that the temporary arrangement would not lead to a loss of on-street parking, and the Highway Authority had confirmed that as the required visibility splays were achievable it do not object to the proposal. The Planning Officer emphasised that there was a distinction to be made in assessing a proposal that was temporary in nature to an application for a permanent feature.

A Member expressed significant concerns in relation to the proposal. Residents had understood the initial permission to be temporary and had endured its impacts on the understanding the situation would not be permanent. The installed bollards were meant to afford pedestrian only access, yet motorcycles were able to pass through. Whilst it was theoretically feasible motorists would use streets other than Blunt Street to access Denton Street that did not happen in practice therefore residential amenity was detrimentally impacted. The Committee had considered the application previously and determined to refuse the proposal, there had been no alteration to the proposal which alleviated the concerns identified. The repeated submission of the application without alteration was not acceptable due

to the scheme's ongoing impact on residential amenity.

Another Member felt it was vital that Members had a full understanding of the proposal. Accordingly, she moved that determination of the application be deferred in order for the Committee to undertake a site visit to fully assess the impact of the proposal which was seconded, and following voting it was:

RESOLVED: That determination of the application be deferred in order for the Committee to undertake a site visit to fully assess the impact of the proposal.

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

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

The Head of Development Management submitted the report on the application which had been subject of a site visit by the Committee on 23 February 2022. Slides were displayed on screen showing: location plan as existing; block plan as existing; site plan as proposed; floor and elevations plans as proposed; street elevations as proposed plan; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Head of Development Management recommended that the application be approved subject to the conditions detailed in the report with an amendment to Condition 2 to replace the elevations for plots 1 and 2 with the new proposals and remove item 6: Street elevations drawing.

Mr Nicholson (Stanwix Rural Parish Council) addressed the Committee in the following terms: the Parish Council acknowledged the reduced ridge heights, but had hoped for a greater reduction given the condition imposed on the Outline Consent regarding floor levels; the original permission for 5 dwellings at the site included a permission requiring the provision of passing places on the highway prior to the commencement of construction, given the safety considerations of the current application it was essential that the same condition was applied.

Mr Greig (Agent) responded in the following terms: the applicant had responded to Members' concerns expressed at the Committee's earlier consideration of the application through amending the ridge heights, the pitch roof design was retained as it offered a traditional roof form; it was not permissible to retrospectively apply conditions to previously granted planning permissions.

The Committee then gave consideration to the application.

A Member, in relation to the Outline Consent, asked whether the developer was required to provide passing places on the highway prior to the commencement of construction, as the use of the surrounding highway network by large vehicles was likely to have an impact on safety?

*The Committee adjourned from 11:45am to allow Officers to review the conditions imposed on the Outline Consent. The meeting reconvened at 11:55am.*



The Head of Development Management advised that the Outline Consent stipulated the provision of passing places was required prior to occupation rather than a pre-commencement condition. Given Members' concerns he suggested that an Informative be issued with the permission, requesting the developer consider the implementation at an earlier stage. The request in the Informative was not enforceable but served to encourage the applicant to consider the matter.

A Member moved the Officer's recommendation along with the inclusion of an Informative requesting that the developer consider the implementation of the proposed passing places prior to construction. The proposal was seconded and following voting it was:

RESOLVED: 1) That the application be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes.

2) That an Informative be issued with the permission requesting that the developer consider the implementation the proposed passing places prior to construction.

## **5. Application 20/0015 - Land off St Ninians Road and Cammock Crescent, Carlisle**

### **Proposal: Residential Development (Outline)**

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 23 February 2022. Slides were displayed on screen showing: location plan, layout plan and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that:

1) The application be approved with conditions subject to a legal agreement requiring:

- a) an education contribution of £428,213 for secondary schools;
- b) a highway contribution of £5,500 to investigate and potentially install an amendment for the speed limit of St. Ninians Road;
- c) a financial contribution of £290,145 towards open space provision;
- d) provision of on-site affordable housing.

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

Councillor Glover (Ward Member) addressed the Committee in the following terms: an outline of the history of the site was given, noting that due to its former use as a landfill there were issues relating to contamination, and due to the location of the site highway access issues; residents had expressed concerns regarding the proposed density of the development on the basis that it

was too great and its associated impact of increased traffic; site security was a concern with damage to fencing of adjacent properties having already taken place, inspection covers related to chambers at the site being missing and barriers along the St Ninians Road access being blown down in recent storm weather; residents concurred with the Highway Authority's view that vehicular access should only be provided via St Ninians Road with emergency vehicle access via Cammock Crescent and Brisco Meadows, and objected to the proposal of vehicular egress to Cammock Crescent and Brisco Meadows; following the building of Newman School and associated alterations the highway network residents were concerned that St Ninians Road to Cammock Crescent / Brisco Meadows would become a rat run which would be detrimental to highway safety.

Councillor Glover requested that, should Members be minded to approve the application the following be considered to address resident's concerns: make the site secure on safety grounds, bearing in mind historic contamination and danger; note the Highway Authority's response and restrict access to and from the site at St Ninian's Road only; access to and from Cammock Crescent and Brisco Meadows to be for pedestrian and cycle and if necessary, Emergency Vehicle Access only with secure and robust barrier.

Mr Telford (Agent) responded in the following terms: an outline of the previous permission and ownerships of the site was provided, noting that an additional parcel of land – seven acres adjacent to Romily Way was not incorporated into the application site; during assessment of previous proposals the Highway Authority had required vehicular access points at both Cammock Crescent and Brisco Meadows, given objector's stated concerns, Mr Telford stated that the Highway Authority would be written to confirm its current access requirements; a future Reserved Matters application would set out final proposals in relation emergency vehicle access which would need to comply with Highway Authority stipulations; the first planning consent issued in 1989 included a condition requiring remediation works be carried out in respect of contamination, a significant amount of work had been undertaken to address that, however, there a number of hot spots remained at the site which would be dealt with in accordance with the Remediation Strategy; the proposed 132 dwellings was an indicative figure, objectors concerns in relation to that matter were noted and it was likely the number of dwellings proposed in the future Reserved Matters application would differ; as part of the investigations into appropriate method(s) for surface water drainage a number of chambers had been created some of which were left exposed; safety of the site was a concern and the measures used to prevent access to the site were outlined, but it was noted that fences had been cut or broken to create entry points, in the event of Consent being granted hoarding fencing would be erected to secure the site.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- Vehicular access points would be determined at the Reserved Matters application stage and it was noted that the Agent had indicated only St Ninians Road being used was agreeable;
- Details of emergency vehicle access would be addressed at the Reserved Matters application stage;
- The process undertaken by the Highway Authority in assessing the impact of an application on the surrounding highway network was set out;
- A suite of technical documents pertaining to the remediation of contamination at the site had been submitted with the application which Statutory Consultees such as the Environment Agency and Environmental Health would assess to ensure compliance with relevant legislation;

- The additional parcel of land purchased by the applicant would form a separate site, the Reserved Matters application would set out the boundary treatment between the two sites;
- The Agent had indicated that were permission to be granted site security measures would be installed.

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

RESOLVED: 1) That the application be approved with conditions subject to a legal agreement requiring:

- a) an education contribution of £428,213 for secondary schools;
- b) a highway contribution of £5,500 to investigate and potentially install an amendment for the speed limit of St. Ninians Road;
- c) a financial contribution of £290,145 towards open space provision;
- d) provision of on-site affordable housing.

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

## **6. Application 21/1170 - Land to the rear of Little Drawdykes, 4 Whiteclosegate, Carlisle, CA3 0JD**

### **Proposal: Erection of 2no. dwellings (Outline)**

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

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

Mr Nicholson (Stanwix Rural Parish Council) addressed the Committee in the following terms: the site was the largest landscaped garden in the locality, as such it was important that the environmental integrity of the site was maintained to protect the living conditions of existing residents; proposed condition 6 set out measures to protect trees and hedges at the site, but not the wildlife which inhabited them.

In the event of permission being granted, the Committee was requested to consider imposing the following conditions: prior to commencement a wildlife survey be undertaken with a particular emphasis on bats which were known to use the site; prior to commencement a

schedule of proposed tree works be submitted with a requirement to retain the maximum possible number of trees; preventing works being undertaken to trees / hedgerows in the bird nesting season; restricting access to be via Millcroft to ensure highway safety.

Mr Greig (Agent) responded in the following terms: the Parish Council had not raised issues relating to the principle of developing the site; proposed condition 7 required the retention of the majority of existing boundaries at various aspects of the site; the request for a wildlife survey was unusual given the site's urban location; proposed condition 7 negated the need for a wildlife survey.

The Chair invited the Planning Officer to respond to point raised in the verbal representations to the Committee.

Members' attention was drawn to proposed condition 6 which set out measures for the protection of wildlife and habitat during construction. The Planning Officer considered a wildlife survey to be unnecessary and noted that the Wildlife and Countryside Act 1981 prohibited works to trees and hedges during the bird nesting season; should Members require it an Informative may be issued with any permission granted requiring the developer to protect wildlife at the site in line with stipulations of the Act.

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- A speed survey had been carried out which demonstrated the appropriate visibility splays were achievable and required the imposition of a 15mph speed limit and the reservation of adequate land within the site for construction vehicles.

A Member moved the Officer's recommendation, along with the issuing of an requiring the developer to protect wildlife at the site in line with stipulations of the Wildlife and Countryside Act 1981. The proposal was seconded and following voting it was:

RESOLVED: 1) That the application be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes.

2) That an Informative be issued requiring the developer to protect wildlife at the site in line with stipulations of the Wildlife and Countryside Act 1981.

## **7. Application 21/1021 - Linden Mear (L/A Ashmere), Talkin, Brampton CA8 1LE**

**Proposal: Erection of 1no. two storey dwelling; associated access and landscaping.**

The Principal Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; block plan; elevations plan; and, photographs of the site, an

explanation of which was provided for the benefit of Members.

The Principal Planning Officer advised that a further response on the application had been submitted by the Parish Council, he summarised the points therein for the benefit of Members.

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

In response to a question from a Member, the Principal Planning Officer confirmed that the drystone wall formerly erected at the site had been removed, but that it would be reinstalled.

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.020/22    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.

### **8.      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 which had been subject of a site visit by the Committee on 23 February 2022. Slides were displayed on screen showing: location plan; 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 applications be approved subject to the conditions detailed in the report.

Mr Carigiet (Objector) objected to the application in the following terms: the access road to the site was unadopted highway that the applicant did not financially contribute to the upkeep of, were the application to be approved financial provision for remedial works should be stipulated; the parking proposals were not viable and would affect the setting of Listed Buildings; an independent planning consultant was of the view that the proposed scheme would damage the character of the existing barn; the Council's Heritage Officer had identified a number of deficiencies with the scheme and stated a single dwelling would be more appropriate; development in Conservation Areas was meant to retain or improve the character of an area, the proposed scheme did not satisfy that requirement; no flooding or drainage details had been submitted, given the existing issues in the settlement a management plan would be required.

Mrs Leitch (Objector) objected to the application in the following terms: since the granting of an earlier planning permission residents had endured disturbance, development had taken place that was not in accord with the permission which required enforcement action to address; the

application site was in a Conservation Area and had very fragile infrastructure which was not sufficient to meet the needs of existing residents; the Council's Heritage Officer had recommended the proposal be refused; paragraph 6.68 of the report stated that the application was contrary to the objectives of relevant Local Plan policies and the National Planning Policy Framework (NPPF); the infrastructure in the settlement was maintained by the community without contribution from the applicant; the development would add 6 vehicles; the area surrounding the historic trough was a well utilised community space; the settlement required a proper plan for its development based on a holistic overview.

Mr Nicholson (Stanwix Rural Parish Council) objected to the application in the following terms: the submitted contamination report had not mentioned the possibility of asbestos in the existing roof, the Officer's report only made mention of the issue in response to the concerns set out by the Parish Council; consideration needed to be given to the imposition of a condition to address the matter or, condition 15 be amended to include specific reference to asbestos and were it to be found requiring its removal by a specialist contractor; the submitted bat survey reveal that areas that may possibly house bats had not been surveyed due to being inaccessible, the bat emergence survey had been carried out over one ninety minute period; condition 5 did not afford sufficient safeguards to any bats present during the site preparation and construction phases, on that basis works should be restricted in spring and autumn months until such time as it was confirmed that there were no bats present in the building; the historic trough in the settlement was located close to the site access measure were required to safeguard it from impacts on increased vehicular movements.

Ms Lightfoot (Agent) responded in the following terms: the scheme proposed minimal alteration to the front, public facing aspects of the building; the Parish Council had not initially objected to the proposal but had done so following the submission of objections by residents; parking was able to be provided entirely within the site, the Highway Authority did not object to the proposal; the Officer's report set out issues in relation to the historic environment, including impact on Listed Buildings; issues regarding the maintenance of unadopted road were out with the planning process; the scheme would improve the environmental performance of building and secure its future; any works in respect of bats and asbestos would be undertaken by appropriate contractors.

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- The building was within the ownership of the applicant which would be adjacent to the single storey building;
- Conditions were imposed to manage parking provision;
- The Heritage Asset (the trough) was in the applicant's ownership and it was clear that they had no intention of removing it, therefore imposing a condition to protect it was not necessary;
- Issues relating to the condition of the unadopted highway was a civil matter for the parties concerned, as such it was not appropriate to impose conditions;
- Issues regarding the removal of asbestos were address by legislation that was out with the planning process;
- The majority of openings in the building would be at the rear away from public views, slides were shown on screen to illustrate the point for Members;

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.

## **9. Application 20/0575 - 214 Newtown Road, Carlisle, CA2 7NJ**

### **Proposal: Change of Use of land to garden and erection of detached gym and sauna building**

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

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

The Committee then gave consideration to the application.

A Member commented that the proposed gym seemed very large and asked whether its size may be restricted by condition.

In response the Planning Officer summarised the planning history at the site and noted that conditions were in place to restrict the size of the development.

A Member asked whether it was proposed that the foul drainage would discharge into the existing sewer network?

The Planning Officer confirmed that scheme proposed foul drainage discharging into the existing sewer network, were Members to determine it necessary, the relevant condition may be altered to require such an arrangement.

The Member indicated his wish for the foul drainage condition to be amended to require discharge into the existing sewer network.

A Member asked whether the proposed facilities were intended for residential use or commercially, for example Air BnB lettings.

The Planning Officer advised that she had undertaken a site visit and noted that the property was in residential use, she was not aware of any plans to operate the facility commercially.

A Member moved the Officer's recommendation along with the imposition of an additional condition requiring foul drainage to be discharged into the existing sewer system. The proposal 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.

**10. Application 21/1083 - Noble Garth, Hayton, Brampton, CA8 9HR**

**Proposal: Removal of Condition 7 (Residential / Non Commercial Restriction) of previously approved permission 90/0011 (Conversion of Redundant Barns to 2no. dwellings) to allow short term letting for Noble Garth.**

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

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

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- The removal of the condition, if approved would afford the property owner standard residential rights which included short term letting of the property;
- The methods available to the Local Planning Authority to carry out enforcement of the 90 day usage restriction.

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.

**11. Application 21/0480 - Camelot Caravan Park, Longtown, Carlisle, CA6 5SZ**

**Proposal: Change of Use of land to extend existing caravan park to accommodate 15no. units.**



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

The application was presented to Committee following a request from Cumbria County Council as Highway Authority to impose a condition requiring the applicant to fund a footpath link to the nearest bus stop which was approximately 440m away at Sandysike. The cost of providing a 1.8m wide footway to Cumbria County Council standard was in the region of £77,000.00 plus VAT. The County Council had indicated that the cost may be significantly higher as drainage would also need to be installed.

Given that the proposal was only for 15 additional caravans the imposition of such a condition would fail to meet the planning tests set out in Paragraph 55 of the National Planning Policy Framework, particularly the requirement that planning conditions be reasonable due to the level of cost. Therefore, the requested condition had not been included in the recommendation to the Committee.

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

Considering the request from Cumbria County Council, as Highway Authority's, for the applicant to fund the installation of a footpath, Members were disappointed that the authority had not considered the matter earlier and felt that the request was not reasonable on the grounds of cost.

In response to questions from Members, Officers confirmed:

- As there were no domestic properties nor layby at the location of the existing bus stop, the Highway Authority had sought to identify another location, however none had been deemed suitable;
- Currently the pedestrian access to the bus stop was via roadside grass verge, hence the need for footpath provision, but as indicated the request from the Highway Authority was deemed cost prohibitive and unreasonable;
- The provision of signage advising motorists of the presence of pedestrians would be a matter for the Highway Authority to consider.

A Member requested that Officers write to the Highway Authority to invite it to consider the provision of signage advising motorists of the presence of pedestrians.

A Member moved the Officer's recommendation and requested that the Corporate Director of Economic Development write to the Highway Authority to request that it consider the provision of signage advising motorists of the presence of pedestrians. The proposal was seconded and following voting it was:

RESOLVED: 1) That the application be refused, subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes.

2) That the Corporate Director of Economic Development write to the Highway Authority to request that it consider the provision of signage advising motorists of the presence of

#### **DC.21/22      Schedule B - Decisions Taken By Other Authorities**

RESOLVED - That the content of the report be noted.

#### **DC.22/22      PLANNING ENFORCEMENT UPDATE**

The Planning/Landscapes Compliance and Enforcement Officer submitted report ED. – Quarterly Report on Planning Enforcement which set out details of a number of enforcement case being dealt with by the Council and analysis of quarterly and annual figures. She provided a verbal update on progress regarding several of the cases therein.

The Committee gave consideration to a number of enforcement cases set out in the report.

A Member moved the Officer's recommendation which was seconded, along with a request that Officers consider how the information contained in the report may be shared with all Members of the Council. The proposal was seconded and following voting it was:

RESOLVED – 1) That the content of the report be noted.

2) That Officers consider how the information contained in the report may be shared with all Members of the Council.

The Meeting ended at: 15:06