



Development Control Committee

Date: Friday, 10 September 2021 **Time:** 10:00

Venue: Council Chamber

Chair: Councillor Morton

Present: Councillors Brown (as substitute for Councillor Glendinning), Christian, Finlayson, Meller, Nedved, Shepherd, Southward and Tinnion

Also Present: Councillor Mrs Tarbitt (in her capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 20/0586 – Land adjacent Richardson House, Gretna Loaning, Mill Hill, Gretna, DG16 5HU.

Councillor Allison (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 21/0622 – Broadfield, Carleton, Carlisle, CA1 3DZ

Officers: Development Manager
Legal Services Manager
Principal Planning Officer
Planning Officer x 4

DC.076/21 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Glendinning and Whalen and the Corporate Director of Economic Development.

DC.077/21 DECLARATIONS OF INTEREST

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

Councillor Tinnion declared an interest in respect of the following items:

- Land adjacent Richardson House, Gretna Loaning, Mill Hill, Gretna, DG16 5HU (Application 20/0586);
- Fell hall, Townhead, Hayton, Brampton, CA8 9JH (Application 21/0681).

The interest related to objectors being known to him.

Councillor Christian declared an interest in respect of Land Adjacent The Green, Wreay, Carlisle, CA4 0RL. The interest related to objectors being known to him.

Councillor Southward, having not been present at the meeting of 23 July 2021 when application 20/0797 – Land to the North West of Stainton Gardens, Stainton Road, Etterby, Carlisle indicated he would not take part in the discussion nor determination of the application.

DC.078/21 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.079/21 MINUTES OF PREVIOUS MEETINGS

RESOLVED – That the minutes of the meetings held on 23 July and 8 September 2021 (site visits) be approved.

DC.080/21 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

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

DC.081/21 CONTROL OF DEVELOPMENT AND ADVERTISING

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

1. Erection of 33no. Dwellings, Land to the North West of Stainton Gardens, Stainton Road, Etterby, Carlisle (Application 20/0797).

Councillor Southward 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 8 September 2021. The Committee considered the application at its meeting of 23 July 2021 and deferred determination in order: to undertake a site visit; and, for the Council to undertake further investigations with regard to issues raised during discussion in particular highway safety.

The Planning Officer advised that following the deferral of the application the Highway Authority had advised:

- A footpath covering the full distance of Etterby Road was not feasible as the road was too narrow;
- Installing white lines on Etterby Road was not an option as they would likely generate a false sense of security for pedestrians thus potentially increasing vehicular / pedestrian conflict;
- It had not formally requested a 20mph speed limit on Etterby Road nor would it object to such a proposal in the event of Members considering it necessary to make the development acceptable. Were the Committee minded to impose such a condition the matter would be addressed by a Section 278 Agreement.

In respect of the Committee's request that the existing footpath link be upgraded, the landowner had indicated its agreement to the proposal. Should Members wish to proceed with the matter it was able to be addressed by way of a Grampian Condition, as detailed on page 30 of the Main Schedule.

United Utilities had reconfirmed that it had no issue with the capacity of the existing system for foul drainage and should existing connections require upgrading that work would be done at the time of connection of the properties subject to the application.

Slides were displayed on screen showing: location plan; proposed site layout plan; proposed boundary treatment and hard landscaping plan; landscape plan; proposed street scenes; schematic showing existing and proposed highway features; 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 the proposed level of affordable units (nine units at plots 19-21, 23-25 and 27-29 that would be made available at discounted sale, with the level of discount set at 30% below open market value);
 - b) a financial contribution of £5,500 towards speed limit changes and traffic calming measures;
 - c) a financial contribution of £122,770 to Cumbria County Council towards education provision (including 20mph zone should Members agree to it);
 - d) the maintenance of the informal open space, play provision and SUDs within the site by the developer;
 - e) financial contributions of £9,533.27 towards the upgrade of off-site sport pitches and recreation provision, and, £5,382.03 towards the upgrading and maintenance of off-site open space.
- 2) That should the legal agreement not be completed within a reasonable time, authority be delegated to the Corporate Director of Economic Development to refuse the application.

The Committee then gave consideration to the application.

Noting the reasons for the Committee's deferral of the application at its July meeting, the Chair was of the view that there had been no significant change to the response from the Highway Authority: he asked Members to consider the use of an Independent Highways Assessment to evaluate the highway matters relating to the application.

A Member shared the Chair's concerns and further commented on the need for an additional footpath. Having attended the site visit, which had usefully illustrated the traffic space available, he felt that the proposed passing places were positioned too far away from the application site to be of any meaningful benefit.

A Member moved that determination of the application be deferred in order to commission an Independent Highways Assessment, the proposal was seconded.

Other Members expressed concerns that an Independent Highways Assessment may not produce a materially different response to the proposals and would in effect merely delay the application progress.

A Member moved the Officer's recommendation.

The Chair noted that a proposal to defer determination of the application for an Independent Highways Assessment had been moved and seconded. The matter was put to the vote and it was:

RESOLVED: That determination of the application be deferred in order for an Independent Highways Assessment to be carried out and a further report be submitted to a future meeting of the Committee.

2. **Creation of a Lorry Park for up to 40no. spaces including conversion of existing buildings to provide welfare facilities and storage unit; erection of commercial vehicles maintenance buildings and associated preparation yard; installation of 2.5m high acoustic fence (bund), Land adjacent Richardson House, Gretna Loaning, Mill Hill, Gretna, DG16 5HU (Application 20/0586).**

The Planning Officer submitted the report on the application which had been deferred by the Committee at its meeting of 11 June 2021 as additional information had been submitted by the applicant in the form of a revised Aboricultural Impact Assessment (AIA); a further revised AIA was submitted to the Local Planning Authority in August 2021. The principal revisions of the AIA's related to: protection and mitigation measures for the area of trees situated to the north of the office building and lorry park area (details of which were set out in the report).

In the light of the revised documentation, the Planning Officer advised Members to consider whether:

- i) the principle of development remained acceptable;
- ii) the revised layout and mitigation were adequate to alleviate concerns relating to potential damage to the existing trees, and;
- iii) that permitting the development would not harm the health of the trees in the long term.

Slides were displayed on screen showing: location plan; existing site plan; proposed site plan; proposed shed plan and elevations; proposed toilet block; tree protection plan and proposed amended; 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.

Councillor Tarbitt (Ward Member) addressed the Committee in the following terms: the Officer report contained no evidence submitted by residents of any issues that may arise in the event of permission being granted; the proposal was contrary to the emerging Cumbria's green policy; the site was not appropriate for the proposal; adequate facilities already existed in Longtown; residents had expressed concerns about the increased volume of large lorries having a detrimental impact on their quality of life; the proposal would increase pollution in the forms of litter, carbon emissions and light; the proposed scheme would have a negative impact on the well established wedding industry in Gretna.

Mr Salisbury (Agent) responded in the following terms: the site was classed as brownfield due to its former use by the MOD, as such its use was supported by Council planning policy; no Statutory Consultees had objected to the proposal; the facility was needed and its approval would decrease the use of laybys in the local highway network by lorry drivers; approving the scheme would create employment opportunities in the area.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- a Noise Assessment of the proposal had been carried out on the applicant's behalf and been considered by the Council's Environmental Health Service who, having regard to the relevant British Standards had concluded the impact to be acceptable;
- Condition 7 required the submission to and approval by the Local Planning Authority details of the proposed lighting scheme at the site. The condition was stringent and the proposals in that respect would be assessed by Environmental Health;
- the applicant would be responsible for managing litter within the site, it was not reasonable to impose a condition requiring them to manage litter outwith the site as it may not have been generated by users of the facility.

A Member was keen that the lighting permitted at the site should also be assessed in terms of its impact on biodiversity to ensure it was not detrimental. The Planning Officer undertook to incorporate biodiversity impact in his assessment.

Another Member was of the view that, due to the details of the lighting scheme not having been submitted, Members did not have all the information they needed to determine the application. Accordingly, he proposed deferral on that basis.

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.

3. Variation of Condition 2 (Approved Documents) of previously approved permission 19/0066 (Erection of 2no. detached dwellings (Revised Application)) to amend plans to include 1no. dwelling only with a revised design, Land adjacent to The Green, Wreay, Carlisle, CA4 0RL (Application 21/0174).

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; site plan; floor plans; elevation plans; section 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 submitted plans did not show the retention of the existing pond at the site, nor did the approved plans for the extant permission provide for the pond's retention. Existing hedges and trees were to be retained and additional creative landscaping was to be incorporated, as such the biodiversity needs of the site had been balanced;
- Historic England had raised concerns, but not an objection to the application, on the grounds of the proposed windows at the rear elevation. Given their recessed form, the Planning Officer considered that aspect of the application acceptable.

A Member noted that the Council had recently considered creating a Conservation Area at Brisco, he asked whether the impact of the proposal had taken that into account.

The Planning Officer responded he was of the view that the proposal would afford a betterment of the existing scheme and therefore would have recommended the application for approval had the Conservation Area been created.

Regarding the construction materials to be used, a Member asked whether the use of swift nest bricks could be imposed as a means of supporting the biodiversity of the site?

The Development Manager advised that there was no known local population of swifts thus the development as proposed would not be considered as causing harm. Were Members to require the condition it could be included in the consent, however, as it had not been previously agreed with the applicant it was open to challenge.

A Member moved the Officer's recommendation, along with the imposition of an additional condition requiring the use of swift nest bricks. 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.

The Committee adjourned at 11:25am and reconvened at 11:38am.

4. Erection of 1no. dwelling, Land to the rear of 42 – 50 Durdar Road, Carlisle (Application 21/0569).

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; vertical measurements of existing and proposed; proposed elevations; proposed 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.

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.

5. Erection of 1no. dwelling & associated external work, Broadfield, Carleton, Carlisle, CA1 3DZ (Application 21/0622).

The Principal Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; elevation plans; proposed and existing block plans; proposed section plans; proposed 3D views and photographs of the site, an explanation of which was provided for the benefit of Members.

In the event of the application being approved, the Principal Planning Officer advised that document G17 (Approved Plans) would require updating to take account of the amended site plan. Accordingly, the application was recommended for approval subject to the conditions detailed in the report.

Councillor Allison (Ward Member) addressed the Committee in the following terms: a number of residents were deeply concerned by the proposed scheme; the application ought to be determined on its own merits without reference to the extant permission; the design of the dwelling along with the layout and exposed position of the site meant the scheme would have a detrimental impact on the entry route to the hamlet which contained a cluster of 8 Listed Buildings and had a strong farming heritage; the proposal was not compliant with Local Plan policy HE 3 – Listed Buildings; the Heritage Officer's comments did not demonstrate consideration of the unique setting of the site; the footprint on the building as shown on the submitted plans was 288m², significantly larger than the 218m² stated, the size was three times larger than the adjacent building; the proposed use of trees for screening would have a negative impact on the ecological credentials of the building as, depending on the species chosen, they would either overshadow the solar panels (when grown to maturity) or would generate leaf litter at the rear of the property.

Councillor Allison displayed slides on screen showing: photographs of Listed Buildings in the vicinity of the application site; the existing and proposed block plans, and proposed elevations plan. He asked the Committee to consider deferring the application in order for an independent qualified professional to assess the impact on the adjacent heritage assets the cost of which to be borne by the applicant.

Mr Judd (Agent) responded in the following terms: the trees at the northern boundary would not impact the solar panels due to their position; the measurements of the building referred to by the Ward Member were estimates of the internal space; the current proposal would deliver a smaller dwelling than provided for by the extant permission; the extant permission was still able to be erected and was in effect a 'backstop'; the Conservation Officer had not objected to the resiting of the dwelling; design was a subjective matter, the Council supported contemporary design; the setting of the dwelling within the site would reduce its visual impact.

The Principal Planning Officer additionally advised: the dimensions of the building had been provided by the architect; the Listed Buildings affected by the proposal were shown in the block plan; landscaping issues would be addressed as part of a Discharge of Conditions application; the extant permission was for a contemporary building which had been considered by the Committee wherein Members gave consideration to the impact on the adjacent Listed Buildings.

The Committee then gave consideration to the application.

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. Extension to existing gym facilities, Carlisle Villa Amateur Boxing Club, 71 Currock Road, CA2 4BH (Application 21/0183).

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: block and location plans; existing and proposed floor plans; existing and proposed elevation 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 a Member's expressed concerns about the management of noise at the site, the Planning Officer explained that the re-roofing of the property had increased the heat in the building. In order to dissipate that heat doors and windows were opened. Condition 2 of the consent stipulated that all doors and windows were to remain shut during class time to minimise noise impact.

The Member noted the caveat in the Noise Assessment Report which stated it had been prepared for the client only and that third parties should not rely on it, to do so would be at their risk.

The Legal Services Manager was satisfied that the note was a standard professional indemnity, however, she suggested that an Informative be issued with the permission advising the applicant that the determination of the application had fully taken account of the Noise Assessment Report received on 9th August 2021 and that the development should be undertaken in strict accordance with the report.

The Member welcomed the suggestion, he moved the Officer's recommendation, along with the issuing of an informative in respect of the Noise Assessment Report. 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 to the applicant in respect of the Noise Assessment Report.

7. Removal of hedge and erection of 1.8m high boundary fence to incorporate additional land into domestic curtilage, 11 Newfield Park, Carlisle CA3 0AH (Application 21/0657)

The Chair advised that due to the late receipt of a written representation by a Ward Member the application had been withdrawn from discussion so that the issues therein may be considered.

RESOLVED: That the application be withdrawn from discussion.

8. Removal of Conditions 3 & 4 of previously approved permission 13/0431 (Revisions to Original Planning Approvals 11/0433 & 11/0690 involving amended estate house and erection of 1no. eight bed holiday unit in lieu of 8no. Holiday Lets) enabling the holiday unit to be occupied as a dwelling, Fell Hall, Townhead, Hayton, Brampton, CA8 9JH (Application 21/0681)

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 Principal Planning Officer recommended that the applications 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.

DC.082/21 PLANNING ENFORCEMENT UPDATE

The Planning/Landscapes Compliance and Enforcement Officer submitted report ED.33/21 – 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, and following voting it was:

RESOLVED - That the content of the report be noted

[The meeting closed at 12:42pm]