

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 4 DECEMBER 2020 AT 10.00 AM

PRESENT: Councillor Tinnion (Chair), Alcroft, Birks, Christian, Finlayson (as substitute for Councillor Collier), Meller, Morton, Nedved, Shepherd and Whalen.

OFFICERS: Corporate Director of Economic Development
Development Manager
Legal Services Manager
Planning Officer x 3
Mr Allan – Flood Development Officer, Cumbria County Council

DC.102/20 APOLOGIES FOR ABSENCE

Apologies for absence was submitted on behalf of Councillors Collier and Glendinning.

DC.103/20 DECLARATIONS OF INTEREST

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

Councillor Alcroft declared a Registrable Interest in respect of application 19/0905 - Land at Deer Park (land between Kingmoor Industrial Estate and Saint Pierre Avenue, Kingmoor Road). The interest related to her membership of Cumbria Wildlife Trust which had objected to the application. Councillor Alcroft indicated that she would not take part in the discussion nor determination of the application.

Councillor Christian declared an interest in respect of application 20/0279 - Land at Rookery Park (South of Alders Edge), Scotby, Carlisle CA4 8EH. The interest related to objectors being known to him. Councillor Christian indicated that he would not take part in the discussion nor determination of the application.

Councillor Morton declared an interest in respect of application 20/0279 - Land at Rookery Park (South of Alders Edge), Scotby, Carlisle CA4 8EH. The interest related to an objector being known to him.

Councillor Nedved declared an interest in respect of application 20/0279 - Land at Rookery Park (South of Alders Edge), Scotby, Carlisle CA4 8EH. The interest related to an objector being known to him.

Councillor Shepherd declared an interest in respect of application 20/0279 - Land at Rookery Park (South of Alders Edge), Scotby, Carlisle CA4 8EH. The interest related to an objector being known to him.

Councillor Tinnion declared an interest in respect of application 20/0279 - Land at Rookery Park (South of Alders Edge), Scotby, Carlisle CA4 8EH. The interest related to an objector being known to him.

Item A.1 (1) – application 19/0905 - Land at Deer Park (land between Kingmoor Industrial Estate and Saint Pierre Avenue, Kingmoor Road), Carlisle:

- had been considered by the Committee at its meeting of 9 October 2020. Councillors Finlayson and Whalen indicated that they had not been present at that meeting, therefore they would not take part in the discussion nor determination of the application;
- Councillor Shepherd had been present at the meeting on 9 October 2020, but had lost connection to the virtual meeting during discussion of the item. He stated that he had subsequently watched the video of the meeting relating to that item and therefore was aware of all matters raised. Councillor Shepherd indicated that he would participate in the discussion and determination of the application.

DC.104/20 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.105/20 AGENDA

RESOLVED – That items 2 and 3, applications 20/0245 and 20/0246: 4 – 14 Victoria Place, Carlisle, CA1 1ER be considered together as they related to the same site.

DC.106/20 MINUTES OF PREVIOUS MEETINGS

RESOLVED – That the minutes of the meetings held on 6 November and 2 December 2020 (site visits) be approved.

DC.107/20 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 80no. Dwellings, Land at Deer Park (land between Kingmoor Industrial Estate and Saint Pierre Avenue, Kingmoor Road), Carlisle (Application 19/0905).

Councillor Alcroft, having declared an interest in the item of business took no part in the discussion nor determination of the application

The Principal Planning Officer submitted the report on the application which had been deferred by the Committee at its 9 October 2020 meeting in order that Members could be provided with a clear indication of the timing of primary and secondary school provision north of the river.

Slides were displayed on screen showing: location plan; site location aerial photograph; proposed site plan; proposed street scene schematics; landscape plan; footpath plans and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer advised that a virtual meeting had taken place with Cumbria County Council regarding school places in Carlisle, following on from this the authority has sent a letter which set out its position. The full letter was included within the Addendum report on pages 19 and 20 of the Main Schedule, the Principal Planning Officer summarised the main points for

the benefit of Members. The Committee were reminded that Cumbria County Council, as Local Education Authority, had requested education contributions of £508,596 (£213,948 for infant and junior places and £294,648 for secondary school places) to be secured through a Section 106 agreement.

Details of an online petition opposing the scheme had been received, as of 3 December 2020 there were 611 signatories, 76% of whom were from Carlisle. The Principal Planning Officer understood that Members have received some additional drainage information from an objector. He reminded the Committee that drainage was discussed at the earlier consideration of the scheme with an Officer from the Lead Local Flood Authority answering Members questions. The Lead Local Flood Authority and United Utilities had been consulted on the application and had requested the imposition of conditions requiring the submission of the proposed surface water drainage scheme including details of future management and maintenance for approval.

In conclusion, the Principal Planning Officer recommended that:

1) The application be approved with conditions, subject to the completion of a Section 106 legal agreement to secure:

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

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

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- There were several informal paths at the site, but only one Public Right of Way (PRoW). The application proposed the re-routing and lengthening of the PRoW which had been agreed by Cumbria County Council as the responsible authority, the new PRoW would link to the Permissive Path at the northern end of the site and form part of the PRoW network;
- The process of allocating a site for housing development in the Carlisle District Local Plan 2015 – 30 (Local Plan) required ecological assessments to be undertaken. Delaying determination of the application until the Environment Bill was passed in parliament was not feasible. There was a body of case law in respect of prematurity which made clear that legislation must be imminent for it to be applied, that was not the case with the Bill, therefore, it was not reasonable to impose measures contained therein for example biodiversity net gain, on the proposed scheme;
- Plots 64 - 66 would be at a higher level than the SUDS pond and were sited at a sufficient distance to mitigate flood risk, the pond would only contain water in times of heavy rain.

Cumbria Constabulary had indicated it was satisfied with a number of properties overlooking the pond. The Chair remained concerned about the proximity of the fence at plot 64 to the SUDS pond, the Corporate Director undertook to raise the matter with the applicant;

- The scale of the proposed development did not meet the trigger for the provision of a play area, however, there was a number of amenity spaces provided at the site and access to Kingmoor Nature Reserve. As part of the Section 106 Agreement, the Council's Green Spaces team had requested monies to improve existing play area, open spaces and sports pitches in the area;
- Section 106 monies were held in a type of account specified in accountancy rules, and was index linked. Any monies not spent within the specified timescale for use were returned to the developer along with any interest accrued.

A number of Members expressed strong dissatisfaction regarding Cumbria County Council's, as Local Education Authority, response to the education provision issues raised at the Committee's previous consideration of the application. The following concerns were expressed:

- There appeared to be mixed messages from Cumbria County Council in relation to the number of available school places in the district. In the Officer's report on the application submitted to the October 2020 meeting of the Committee, the County Council had stated that there were "... *no places at any school across the spectrum.*" whereas, its letter (reproduced on pages 19/20 on the Main Schedule) stated it expected to be able to accommodate admissions for the next two intakes (September 2021 and 2022);
- Lack of school provision north of the river had been an issue for a number of years. Despite Cumbria County Council having collected £4,841,000 of education contributions (primary and secondary) in the preceding decade, in addition to a £3.5M bond from the developer of the Crinkledyke scheme, only small extensions to existing schools had been provided, no proposals for a new school had been submitted;
- 800 new homes were currently being constructed north of the river, without adequate school provision to meet demand, which was contrary to Local Plan policy CM 2 – Educational Needs, particularly criteria 8.5 and 8.7 therein.

Given the foregoing, a Member moved that the application be refused on the grounds that it was not compliant with Local Plan policy CM2 – Educational Needs.

The Principal Planning Officer responded that the Section 106 agreement required contributions to education provision which the applicant had undertaken to make, as such it had fulfilled the requirements of policy CM 2. Whilst acknowledging the Committee's frustration regarding the progression of delivering a new school north of the river, policy CM 2 was not an appropriate reason to refuse the application. Given that the granting of permission was subject to a Section 106 agreement, the requirement to re-direct the PRoW, and the construction of the development may take up to five years for the development to reach completion, during which time education provision would change.

The Corporate Director reiterated that the applicant had complied with policy CM 2 by its agreement to provide education contributions, therefore, that policy was not sufficient grounds for refusal. Were Members minded to refuse the scheme on those grounds, the applicant had a right to appeal the Council's decision. The appeal may be successful and the Council was likely to have costs awarded against it.

Members remained concerned that school provision would not meet the needs of the development. A Member seconded the proposal to refuse the application on the grounds that it

was not compliant with Local Plan policy CM2 – Educational Needs. The matter was put to the vote and it was:

RESOLVED: 1) The application be refused as it was not in accord with Local Plan policy CM2 – Educational Needs.

2. Change of Use of redundant office building to form 6No. Houses of Multiple Occupation, 4 – 14 Victoria Place, Carlisle, CA1 1ER (Application 20/0245)

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3. Change of Use of redundant office building to form 6No. Houses of Multiple Occupation together with various internal and external alterations (LBC), 4 – 14 Victoria Place, Carlisle, CA1 1ER (Application 20/0246)

The Planning Officer submitted the report on the applications. Slides were displayed on screen showing the location and block plans, an explanation of which was provided for the benefit of Members.

The applications had been deferred at the 6 November 2020 meeting of the committee in order to:

1. request the submission of a Management Plan;
2. obtain a consultation response from Cumbria Constabulary;
3. seek further clarification regarding the provision of cycle facilities;
4. clarify any proposed improvements and repair of foul drainage infrastructure;
5. clarification of the provision of any external lighting;
6. identify security measures to access of the rear lane;
7. clarify any repairs to the external stonework.

In response the applicant had submitted: a Management Plan; a CCTV Drain Survey; a Supporting Statement; illustrations of the standard of conversion, and a detailed assessment of these documents together with how they address the issues raised by members was outlined in the Addendum report (pages 83-89 of the Main Schedule).

Cumbria Constabulary were consulted and had responded with a number of advisory comments which had been noted, however, no objection to the proposed scheme had been submitted.

During the Committee's earlier consideration of the application, Members posed a question with regard to proposed bedroom sizes. In response, the agent confirmed that:

1. the minimum requirement for a bedroom in an HMO was 6.5m² for a single person;
2. the smallest room in the development was in House No. 14 room 3 and the bedroom area was 10.3m² however that room also had an ensuite which was not included in the area;
3. the smallest room in the development with a shared bathroom was House No. 14 room 10 and the bedroom room area was 10.5m²;
4. the average bedroom size in the development is 15.18m², with most bedrooms in the size bracket of 10.3 - 16.5m².

The Planning Officer considered the comprehensive array of information that had been submitted addressed the issues raised by Members. He recommended the applications for approval, subject to the conditions detailed in the reports. He further recommended:

1. condition 2 be amended to include references to the additional documents received:

2. an additional condition be imposed requiring the development be undertaken in accordance with the Management Plan;
3. a condition be imposed requiring all new external doors to certified to PAS 24:2016.

The Committee then gave consideration to the application.

In response to concerns expressed by Members about the small amount of external space at the site limiting the storage of equipment and refuse during the construction phase of the development, the Planning Officer advised that, the applicant had a responsibility to manage the site in a safe manner. The use of skips and the storage of any items on the highway was managed by permit.

A Member asked whether it was reasonable, given the busy adjacent highway, to restrict delivery times during the construction phase to before 9:00am and/or after 5:00pm.

The Development Manager suggested that consideration be given to the addition of a condition requiring the submission of a Construction Management Plan as it would enable Officers to negotiate with the developer on the areas of concern raised by Members. The condition would be applicable to the planning permission only (application 20/0245). The Committee indicated its agreement.

A Member moved the Officer's recommendations, along with the imposition of a further condition requiring the submission of a Construction Management Plan in respect of application 20/0245. The proposal was seconded and following voting it was:

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

4. Conversion of barns to form 3no. dwellings, Change of Use of land of the siting of 8no. camping pods, partial demolition and remodelling of agricultural building and associated development, Garthside, Walton, Brampton, CA8 2JP (Application 20/0563).

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; block plan; existing site plan; proposed site plan; proposed floor plans of main building; elevation plans; section plans; proposed entrance plan; landscape analysis and, photographs of the site, an explanation of which was provided for the benefit of Members.

Members were advised that the height of the pods stated in paragraph 3.29 was incorrect: instead of 2.3m the correct height was 2.8m. The increased height was not considered to constitute a significant change to the overall development impact in the context of the scheme.

Burtholme Parish Council had raised a number of concerns which had been considered and responded to within information submitted by the applicants and Officer report.

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:

- Regulations were in place to control discharge from hot tubs for which the Environment Agency was the responsible body. In response to Members concerns, the Corporate Director suggested that consideration be given to the inclusion of a further condition in the permission regarding the management of discharge from the hot tubs;
- Natural England and the County Council's Heritage Officer, as Statutory Consultees in relation to archaeology, had stated that no underground investigations were required at the site which was located in the vicinity of the Hadrian's Wall World Heritage Site. However, they required a Level II recording of the buildings at the site.

A Member moved the Officer's recommendation, along with the inclusion of an additional condition to manage the discharge from the 11 no hot tubs. The proposal was seconded and following voting it was:

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

5. Change of Use of agricultural land to garden (Retrospective/Revised application), 25 Whiteclosegate, Carlisle, CA3 0JA (Application 20/0669)

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

A previous application at the site (19/0588) was refused as the applicant had insisted on enclosing the proposed garden area with non-agricultural style fencing varying in height up to 1.8m, which was considered inappropriate and intrusive to the open countryside. The Planning Inspectorate Appeal was also dismissed the proposal for the same reason. The applicant had agreed to revise the style and height of the proposed enclosure to match those of the previously approved garden extensions along Whiteclosegate.

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

DC.108/20 MODIFICATION OF S106 PLANNING OBLIGATION – AFFORDABLE HOUSING CONTRIBUTION – LAND AT CARLISLE ROAD, BRAMPTON

The Planning Officer submitted the report which sets out the position regarding S106 contributions relating to affordable housing following an independent viability assessment of the site. The site location plan was displayed on screen.

The applicant had submitted an application to vary the amount of affordable housing that was required to be provided on the site by way of the S106 Agreement. The applicant advised that it was struggling to meet the 30% affordable housing requirement for sites in Affordable Housing Zone C on the application site for the following reasons:

- a reduced demand for larger 4 & 5-bedroom houses since construction of the site in September 2019, which had been further exacerbated since COVID-19, with many of these larger homes falling within the first sales release;
- economic uncertainty surrounding COVID-19;
- forecast increased BCIS construction costs, partly linked to supply chain challenges related to COVID-19.

Members were advised that when the current application was submitted, the proposal was to provide no affordable housing on the site. In accordance with the Council's procedures for such applications, Officers engaged the services of an independent consultant whose conclusions were set out in section 2.6 of the report. Although the current proposal did not fulfil the entire 30% affordable housing requirement, it would provide 21%. This was considered to be an appropriate compromise under the financial circumstances which had been robustly assessed.

A letter of representation had been received which requested that the Committee reject the application. The Planning Officer read out the letter in its entirety, for the benefit of Members.

The Planning Officer recommended that the S106 Agreements be modified for delivery of 22 affordable units (20.75% of the overall scheme) incorporating:
a tenure mix of 12 discounted sale units – 6 no. 2 bed Bailey houses (plots 26-29 & 43-44) and 6 no. 3 bed Fraser houses (plots 24-25; 41-42 & 53-54) and 10 no. affordable rent units - 6 no. 2 bed Bailey houses (plots 49-52 & 68-69) and 4 no. 3 bed Fraser houses (plots 45-48).
Discounted sale units will be sold at 70% of market value to customers on the Council's Low-Cost Home Ownership register. Affordable/ social rent units will transfer to a Registered Provider/ Social Landlord based on 50% of market value.

Mr Hayward (Applicant) spoke in support of the proposal in the following terms:

- At the time the original permission was granted in 2018, the approved scheme was financially viable. Since then, a number of factors – decreased demand for 4 and 5 bed roomed properties, increased construction materials costs and impacts to the construction materials supply chain as a result of Covid 19 had negatively impacted the viability of the development;
- Initially, a request to provide no affordable housing at the site had been submitted to the Council. Following assessment by the Council's independent consultant and negotiations with Officers, it was now proposed to provide 21% affordable units within the development;
- Resources had been committed to the development and, to date, both show homes, and 6 dwellings were complete, with a further 3 being substantially complete. It was anticipated that occupation of those dwellings may begin in the new year;
- The developer wanted to deliver the scheme which would provide 106 new homes contributing to the Council's housing delivery supply, a stalling or cessation of the development would undermine the Council's Plan Led approach;
- With reference to the letter of objection, Mr Hayward confirmed that affordable housing provision at the would retain the 50/50 split between Shared Ownership and rental homes as per the original Section 106 agreement.

The Committee then gave consideration to the proposal.

In response to questions from Members, Officers confirmed:

- Any future applications of the same nature would be determined on a case by case basis and subject to the Council's assessment processes, as such approval of the current application would not set a precedent;

- Were the application to be rejected it was likely that work on the site would stall with no further work being undertaken. Approval of the application would allow for the continuation of the development, with Affordable Housing being provided in accordance with the terms of the amended Section 106 agreement.

Members expressed concern at the reduction of affordable housing when, given the impact of the pandemic, they considered such provision was particularly needed. Consideration was given as to whether the level of profit afforded to the developer by the proposal of 17% was appropriate as many businesses had been required to absorb financial impacts related to the pandemic restrictions. Furthermore, Members requested reassurance that the proposal before them constituted the greatest provision of affordable housing from the scheme.

The Development Manager explained that central government was clear that affordable housing was a key factor in the stalling of developments nationally due to viability issues. As such it allowed for planning obligations to be challenged in order for developments to remain viable.

Developer profit was appropriate and necessary as it supported the industry. The 17% proposed in the report had been arrived at following an assessment of the market in the district and other factors such as Appeal Decisions (which had permitted proportionally higher levels) and consideration of what amounted to a reasonable return.

The Development Manager assured the Committee that the Council's consideration of such applications was robust, noting that a number of similar applications had been challenged and rejected by Officers. He reminded Members that the Committee had considered a similar application for a site elsewhere in the district, at which development had stalled, the process of varying the Section 106 agreement sought to avoid that outcome.

The Corporate Director noted that it was a complex issue, she suggested that Officers deliver a session for Members covering the Council's processes for dealing with applications which sought to amend planning obligations on the grounds of viability. The Committee agreed the suggestion.

A Member moved that determination of the proposal be deferred in order to allow further consideration of the level of developer profit. The proposal was seconded and following voting it was:

RESOLVED: 1) That determination of the proposal be deferred in order to allow further consideration of the level of developer profit.

2) That the Corporate Director of Economic Development arrange a session, at a future date, for Members to provide an overview of the Council's processes for dealing generally with applications which sought to amend planning obligations on the grounds of viability.

The meeting adjourned at 12:31pm and reconvened at 2:00pm

Councillor Christian left the meeting at 12:31pm

DC.109/20 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.

6. Erection of 90no. dwellings, public open space, landscaping and sustainable drainage system (SUDS) and vehicular access point from the Scotby to Wetheral Road, Land at Rookery Park (South of Alders Edge) Scotby, Carlisle, CA4 8EH (Application 20/0279).

Councillor Christian, having declared an interest in the item of business was not present at the meeting and took no part in the discussion nor determination of the application.

The Development Manager submitted the report on the application. Slides were displayed on screen showing: location plan; development framework plan; proposed access strategy plan and, photographs of the site, an explanation of which was provided for the benefit of Members.

Outline applications were usually accompanied by an indicative layout or masterplan however, the applicant had submitted a parameters plan. Should the application be approved, the parameter plan would be used to establish key principles for a Reserved Matters application. Were Members minded to approve the application, the permission would need to be accompanied by a legal agreement covering matters such as affordable housing, open space provision, management and maintenance and education contributions.

The applicant had previously submitted a similar proposal for the site which had been refused, the current application sought to address refusal reasons by establishing key landscaping differences, in particular the green swathe from north west to south east across the site which would provide a visual acknowledgement and open link to the views of the countryside beyond.

Although the applicant had proposed changes from the original submission, it was the Development Manager's view that they were not sufficient to counter the impacts on the landscape. Many issues had been raised by objectors and it was generally the opinion of Statutory Consultees that those may be overcome at the Reserved Matters stage by appropriate detail. They had therefore proposed a number of planning conditions.

Whilst provision of detail may overcome some issues, it remained the case that the principal issues in relation to the proposal were location and its proposed development for housing. The application did not accord with the Council's Local Plan policy HO2 - Windfall Development, the applicant had not demonstrated the need to be in the particular location and the proposed development would cause significant harmful to the landscape character of this part of the village. On that basis, the Development Manager recommended the application be refused, in line with the reasons set out in the report.

Mr Morris (Objector – on his own behalf and on behalf of Mr Mills, Ms Wigmore, Mr Marriott and Mr Johnston) spoke against the application in the following terms:

- There was a significant level of opposition to the proposal as evidenced by the fact that 798 individuals had signed the online petition opposing this application, an increase on the number that objected to the 2019 application;
- Both the Officer and the applicant acknowledged (in the report and Landscape and Visual Assessment document respectively) the significant views out of the settlement that the proposed development site, with the applicant noting that the development would have an adverse impact thereon;
- The Carlisle District Local Plan 2015 – 30 (Local Plan) had been adopted following the usual statutory processes, including formal examination by the Planning Inspectorate who was satisfied that the housing allocations for Scotby Village were appropriate, with no

additional or alternative sites being required. The application site was not allocated for housing as part of the Local Plan, the National Planning Policy Framework, whilst presuming in favour of sustainable development was clear that the Plan may only be departed from “... *only if material considerations in a particular case indicate that the plan should not be followed*”.

- The application site had not been overlooked in the Local Plan adoption process, it had been considered in the Strategic Housing Land Availability Assessment (SHLAA) as recently as 2014. In response to representations requesting that it be put forward as an housing allocation site, the Council was unequivocal in its response – “*this site is so prominent that it would be highly unlikely that a design could be put forward that would reduce its impact to acceptable levels*”. The application site was discarded from the SHLAA on the grounds of “*unacceptable landscape impact*”.
- In the submitted Planning Statement, the applicant asserted “*Gladman consider that due to the lack five year supply, policies that are most important for determining the application are not up-to-date*” (paragraph 4.6.2). However, no evidence had been submitted to support the assertion which contradicted the Council’s Five Year Housing Land Supply Position Statement of April 2020. In Scotby permission for the development of 125 dwellings, at various sites, which were recently built or in progress, additionally, two further allocated sites in the vicinity with yields totalling 130 dwellings were yet to be developed in part or in whole;
- The applicant had failed to demonstrate an overriding need for additional housing at the site, as such, the proposed scheme was not in accordance with Local Plan policy SP 2 – Strategic Growth and Distribution;
- Approving development of the site may prejudice the delivery of allocated sites such as Hillhead (R 15) and the Plains and as such was contrary to Local Plan policy HO 2 – Windfall Housing Development. Moreover, the Council’s proposals for St Cuthbert’s Garden Village, which sought to protect the overdevelopment of the villages around Carlisle. Granting permission for development such at the application site would ‘chip away’ at the viability of that proposal;
- The proposal further failed to accord with policy HO 2 in that the scale and design of the development was not appropriate to the scale, form, function and character of Scotby (criteria 1). The site was on the edge of Scotby and was not well contained within existing landscape features, as demonstrated by the Officer’s assessment contained in the report, a making the proposed scheme not in accord with criteria 3 of Policy HO 2 and also policy GI 1 - Landscapes. The scale of the development would also create pressure on existing services and infrastructure which was contrary to criteria 2 of policy HO 2, Mr Morris suggested that the matter be added to the reason for refusal;
- The current application was not significantly different to the previously submitted one. The submitted Planning statement was by and large the same document, with the notable removal of the following statements - “*the site lies in the open countryside*” and “*The scheme is compliant with Policy HO2*”
- The current application stated that it would create “*a broad swathe of public open space*” in the centre of the site which it was would “*effectively extend open space from the village green, thereby maintaining key views from the village*”. No amount of public open space within a substantial housing estate with an average of some 45 two and two and a half storey houses on each side of it would come close to the present unadulterated agricultural landscape beyond, not least because the main access to the site lay directly between the village green and the views beyond;
- As the current application was for Outline permission, the applicant had submitted an indicative layout, which may be amended at the Reserved Matters stage;

- The submitted Statement of Community Involvement stated that the applicant had “*completed a comprehensive programme of community engagement*” and “*re-engaged with the community prior to the submission of this second application*”. Mr Morris contended that was not true. Although the Parish Council and a few local councillors may have been written to directly there had been absolutely no engagement with the local community as such. Neither was it correct, as the applicant asserted, that the previous consultations produced “some level of support”.

In conclusion Mr Morris stated that the proposed development would be an intrusion into the open countryside, was out of character with the form of Scotby Village, would have a negative impact on the open nature of the local landscape and no overriding need has been demonstrated to justify disregarding those important planning policy considerations.

The Committee then gave consideration to the application.

A Member stated that he saw no justification for contradicting the Committee’s earlier decision to refuse development at the site, he felt that the application was without merit.

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

RESOLVED: That application be refused for the reasons on the Schedule of Decision attached to these minutes.

[The meeting closed at 2:27pm]