

## **DEVELOPMENT CONTROL COMMITTEE**

**FRIDAY 8 JANUARY 2021 AT 10.00 AM**

**PRESENT:** Councillor Tinnion (Chair), Alcroft, Birks, Christian, Glendinning, Finlayson, Meller, Morton, Nedved, Shepherd and Whalen.

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

**ALSO**

**PRESENT:** Councillor J Mallinson (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 20/0580 – Low Meadow, Kirklington, Carlisle, CA6 6BT.

Councillor Betton (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 19/0840 – Land off Warwick Road, Carlisle.

Councillor Paton (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 19/0840 – Land off Warwick Road, Carlisle.

### **DC.004/21 APOLOGIES FOR ABSENCE**

No apologies for absence were submitted.

### **DC.005/21 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 application 20/0580 – Low Meadow, Kirklington, Carlisle, CA6 6BT. The interest related to supporters being known to him.

Councillor Christian declared an interest in respect of application 20/0709 – Land to the rear of Broomfallen Road, Scotby, Carlisle, CA4 8DE. The interest related to objectors being known to him. Councillor Christian indicated he would not take part in the discussion nor determination of the item.

### **DC.006/21 PUBLIC AND PRESS**

**RESOLVED** – That the Agenda be agreed as circulated.

### **DC.007/21 MINUTES OF PREVIOUS MEETINGS**

**RESOLVED** – 1) That it be noted that Council, at its meeting of 5 January 2021, received the minutes of the meetings held on 7 October, 9 October and 6 November 2020.

2) That the minutes of the meetings held on 4 December 2020 and 6 January 2021 (site visits) be approved.

## **DC.008/21 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.009/21 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 agricultural workers dwelling, Low Meadow, Kirklington, Carlisle, CA6 6BT (Application 20/0580).**

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

The Principal Planning Officer advised that the report contained an error in the reason for refusal, it stated "full timber worker" but should read full time worker.

In the last week it had come to light that the applicant was in paid employment in a job that was not related to agriculture: the agricultural assessment undertaken was on the basis that agriculture was the applicant's sole employment, but this was not the case.

The site was located in open countryside where there was a presumption against development unless there was a proven need to be in the location specified, such as where there was an essential need for a rural worker to live at or near their place of work, and evidence was provided to demonstrate a need for a full time worker to be available at all times for the business to function properly, provided that a) the business was established, had been profitable for a least a year, was currently financially sound and had a clear prospect of remaining so, b) housing cannot be met by other housing nearby and c) the house was appropriate in size, design etc for its location.

The business had operated since 2002 with the applicant living off site and travelling to it as required. In the vicinity of the site was a bungalow owned by the applicant's parents, it was unclear whether the bungalow was related to the business.

As stated in the report the application was accompanied by an agricultural appraisal undertaken by the applicant's agent. The Council commissioned an independent land agent to assess the information provided. All Members had received a full copy of the assessment in the third party schedule as it contained sensitive financial information relating to the business. The independent land agent stated that there was a functional need for the dwelling with the intensity of need only being in relation to the period when suckler cows and breeding ewes were giving birth.

The Principal Planning Officer summarised the independent land agent's assessment of profit made by the business which concluded that the enterprise could not support a living wage of a full-time worker or even the labour requirement of 0.6-0.7 of a worker as calculated by the land

agent. The Principal Planning Officer was aware that the applicant was in paid employment and farming was not the applicant's only source of income. Members were required to have regard to the financial position of a business and confidence that an enterprise would remain viable in the future. It was clear that there has been little significant expansion of the land holdings or on the steading in the last 18 years. The agent had provided figures in relation to repairs undertaken however, that comprised merely general repairs and maintenance associated with a farm steading. The financial information provided clearly demonstrated that the business would not be able to support a full time worker or even the current labour requirement of 0.6-0.7 of a worker or the cost of the dwelling. In such circumstance there was no confidence that the enterprise is viable now or would be in the future.

The land agent had not gone on to assess whether there were other dwellings in the locality that the applicant could live in since the financial test and labour requirement had not been met. Members were advised that the current practices had taken place for a significant period of time and there was a static caravan on site which may be used by the applicant.

In conclusion, the Principal Planning Officer recommended that the application be refused permission as the proposal did not meet the requirements of the relevant planning policies as a full time worker was not needed and there was no confidence in the viability of the business.

Councillor J Mallinson (Ward Member) addressed the Committee in the following terms: the large number of representations made in support of the application demonstrated the local community's support for the proposal; the applicant had been in sole control of the business for three years; the applicant had taken on other employment as a means of augmenting his income, his employer was aware and accepted that his farming business was his priority; the need to be on site full time, particularly during birthing times was a matter of practicality and animal welfare; the farm currently supported a commercial stock of cattle and sheep, which the applicant intended to develop further adding to the sustainability of the business; farmers were encouraged to diversify their businesses in order to increase sustainability.

Ms Jones (Agent) spoke in support of the application in the following terms:

- the siting of the proposed building enabled it to be constructed on previously developed land and would, as acknowledged by the Officer, improve the area;
- The Councils Land Agent had suggested that the farm should have sufficient funds to pay for the dwelling, however, there was no planning policy either national or local requiring that. Most agricultural workers dwellings were financed either through savings or loans, this site should be no different;
- The figures within the Agricultural Appraisal were taken from SAC: The Farm Management Handbook 2019/2020 and thus were correct;
- Varying levels of livestock across a year was normal farming practice (lower in winter / higher in summer). The existing business operated on a semi-intensive system;
- The 2013 Appeal was not relevant to the current application as after that time the Council had adopted a new Carlisle District Local Plan, and changes had been made to the National Planning Policy Framework (NPPF);
- The National Planning Practice Guidance (NPPG) and Local Plan policy HO 6 required the farm to be financially viable and remain so, however, they did not specify the extent of the profitability. The accounts demonstrated the business was viable. The farm had undergone several improvements details of which had been provided. Less improvements would be required in the future, and stocking levels were increasing therefore, the farm would remain viable and increase in profitability;

- In accordance with policy HO 6 there was an essential need when taking account of the annual livestock figures, the business was established and profitable thus the proposal complied with Policy HO6, NPPF and NPPG.

Mr Smith (Applicant) spoke in support of the application in the following terms:

- Not being resident at the farm meant undertaking daily visits to provide care for the stock. In times when stock was birthing young, there were significant safety concerns in the event of an emergency situation occurring;
- Profits were continually reinvested in the business to improve facilities and increase stock. Approving the development would allow further increase in stock levels as care and welfare could be provided more readily and safely;
- Mr Smith summarised his immediate family connections to the area and the expectation of a succession plan for the business. He also identified caring responsibilities he undertook at a property in the vicinity of the site;
- No objections had been submitted to the application, 25 representations in support of the proposal had been submitted.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- Policy HO 6 allowed for development in the open countryside on the basis of essential need, as shown in the independent land agent's assessment, the need for a full time worker at the site had not been demonstrated. Furthermore, the scale of the business was not sufficient to support the cost of the development;
- The applicant had successfully operated the business whilst not being resident at the site;
- Members may consider granting permission for a temporary structure at the site until such time as the business had been developed to a scale where it would support a full time worker and the cost of a dwelling;
- Given the applicant's other employment, it was difficult to envisage compliance with a condition permitting occupancy of the proposed dwelling related to agricultural work.

A number of Members were supportive of the application. They considered that: Policy HO 6 allowed for employment other than farming to be undertaken; Paragraphs 78, 79 and 85 of the NPPF supported the growth and expansion of rural businesses; Paragraph 79 of the NPPF set out a number of criteria which the application complied with, furthermore it did not define essential need as requiring a full time worker; the proposal was compliant with Local Plan policy SP 2 – Strategic Growth and Distribution; Policy HO 6 set out acceptable areas of work which was broader than farming, thus the Officer's interpretation of the policy had been overly narrow; fluctuating stock levels at a holding was normal farming practice; the independent land agent's assessment of there being need for a 0.6-0.7 worker only, did not preclude the need, especially in times of animal birthing, to be on site 24 hours per day for the sake of animal and worker welfare; refusing the proposal would make it more difficult for the applicant to expand the business.

The Development Manager acknowledged the significant support for the application indicated by Members. He reiterated the rationale for the Officer's recommendation in policy terms and noted that, were Members minded to go against the recommendation, clear reasoning would need to be set out. Moreover, given the recommendation, the imposition of conditions had not been discussed with the applicant/agent, were permission to be given, it was suggested that the Committee delegate authority to the Corporate Director of Economic Development to identify and include standard planning conditions.

On the basis of the reasons set out above, a Member moved that:

- a) the application be approved;
- b) the Corporate Director of Economic Development identify and incorporate into the permission relevant conditions to control the development of the site.

The proposal was seconded and following voting it was:

RESOLVED: 1) The application be approved.

2) That the Corporate Director of Economic Development identify and incorporate into the permission relevant conditions to control the development of the site.

3) That the relevant conditions be indicated on the Schedule of Decision attached to these minutes.

*The Committee adjourned at 11:22am and reconvened at 11:35am.*

*Councillor Morton left the meeting at 11:22am*

**2. Variation of Condition 2 (Approved Documents) and Condition 8 (Landscaping Scheme) of previously approved application 20/0309 (Change of Use of land to provide extension to existing caravan park) to amend the approved layout, Green Meadows Country Park, Blackford, Carlisle, CA6 4EA (Application 20/0600)**

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

The Planning Officer summarised the planning history of the site, including justification of the removal of conditions in respect to drainage associated with previously granted permissions. Members' attention was drawn to conditions 6 and 8 (detailed in the Main Schedule) which restricted the use of the site under the current proposal to residential use.

In conclusion, 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:

- Westlinton Parish Council had not provided specific details as to which application it referred to in its submission, however, application 19/0670 had sought the removal of condition 7 (planning approval 19/0360). That condition had required a new biodisc foul drainage system to serve the increased number of holiday units approved to be fully operational prior to the occupation of the 11<sup>th</sup> static holiday unit unless otherwise agreed in writing by the Local Planning Authority. Later that year, a subsequent application (19/0670), was received for the removal of that condition. Supporting evidence submitted with the application consisted of detailed reports from a civil engineer and an accredited specialist installer of wastewater systems. The information was examined by the Council's Building Control Development Manager who was satisfied that the existing foul drainage system serving the caravan site had adequate capacity for the additional holiday units. The Committee had subsequently granted approval of the application at its meeting in January 2020;

- Cumbria County Council, as Lead Local Flood Authority, had been consulted and subject to the imposition of a pre-commencement condition requiring the submission of a surface water drainage scheme raise no objections to the application;
- The Highway Authority was investigating an issue relating to surface water discharge on to the highway in the vicinity of the owner's property and from there on to the A7. Although the discharge was believed to arise from a source out with the owner's control e.g. not on land within their ownership, the investigation was ongoing. Furthermore, it was understood that repair works had been undertaken to highways drains in the area.

A Member noted that concerns had been raised with him regarding alleged breach of conditions restricting the use of the site for temporary/holiday stay only.

The Planning Officer confirmed that she was aware of the issue and advised that an investigation was currently being conducted. In the event of a breach of planning permission being identified, the Council would enact relevant enforcement action.

The Legal Services Manager advised Members that the investigation of compliance with previously permitted development was not a material consideration in the determination of the current application, which was to be assessed on its own merits.

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

*Councillor Morton re-joined the meeting.*

**3. Demolition of existing sawmill building; erection of contractors' office/storage unit, The Old Sawmill, Linstock, Carlisle, CA6 4PY (Application 20/0326)**

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

In conclusion, 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.

Responding to a question from a Member regarding the restriction the use of the proposed building to office and storage, the Planning Officer advised that condition had been imposed to prevent noise disturbance to nearby residential properties.

A Member moved the Officer's recommendations which 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. Erection of 1no. dwelling, Land to the rear of 46 Broomfallen Road, Scotby, Carlisle, CA4 8DE (Application 20/0709).**

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

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

No details had been provided in respect of the proposed surface water drainage and the Lead Local Flood Authority raised no objections subject to the imposition of a pre-commencement condition ensuring the submission of a surface water drainage scheme to serve this plot. Should these details provide unsatisfactory then the development would stall as a result. In respect of the remaining site all the pre-commencement conditions in respect of surface water had been satisfied.

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 bund installed at Plot 1 had only been necessary during the construction phase due to the impact of the ground works affecting surface water management in that area. The bund was not needed to manage surface water post construction and had been removed;
- Further to the production of the report the Lead Local Flood Authority had undertaken an investigation into flooding which had occurred at the rear of 44 Broomfallen Road. It had concluded that the development had not increased flood risk at that property. Therefore, the requirement to install a filter drain at the rear of that property was no longer deemed necessary;
- The drainage infrastructure installed at Plot 4 would divert water from the rear of 44 Broomfallen Road and Plot 1 to a central area within the application site. The Lead Local Flood Authority were satisfied with the drainage proposal set out in the application.

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.

**5. Erection of 3no. dwellings (Outline), Site adjacent to Sandy Hill, Faugh, Heads Nook, Brampton, CA8 9EG (Application 20/0669)**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing the location plan, indicative block 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.

In response to questions from Members, Officers confirmed:

- the existing structures on the site were agricultural buildings;
- mitigation of noise impacts from the adjacent sand pit would be considered as part of any future Reserved Matters application.

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.010/21 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 item was deferred, from the December 2020 meeting of the Committee, to seek further clarification in respect of the developer's profit from the scheme. In addition, Members requested that additional training be provided in respect of viability of affordable housing provision.

With regard to the level of profit that may reasonably be achieved from a development, this was discussed in Section 2 of the report and paragraphs 2.3 to 2.7. The council's Supplementary Planning Documents together with planning appeal decisions clarify that a level of 17% was considered to be a reasonable return.

In respect of the training, Officers were in the process of organising and would proceed as soon as a mutually convenient date was arranged with the Council's consultant who advised on viability matters.

The Planning Officer recommended that the S106 legal agreements for applications 17/0869 and 19/0340 should be revised for the following contribution:

- for delivery of 22 affordable units (20.75% of the overall scheme);
- 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.

A Member thanked the Officer for the report, noting he had supported the deferral of the item at its previous consideration. He considered it important that Members were satisfied that the proposed variation to the legal agreement, allowed for an appropriate level of developer profit whilst also retaining the greatest proportion of affordable housing at the development without compromising its viability. He felt the report had given Members sufficient clarity on those issues.

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

RESOLVED: 1) That the S106 legal agreements for applications 17/0869 and 19/0340 should be revised for the following contribution:

- for delivery of 22 affordable units (20.75% of the overall scheme);
- 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.

*The meeting adjourned at 12:44pm and reconvened at 2:00pm*

## **DC.011/21 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.

### **6. Erection of discount food store with car parking and landscaping, Land off Warwick Road, Carlisle (Application 19/084).**

The Development Manager submitted the report on the application which had been subject to a virtual site visit by the Committee on 6 January 2021. Slides were displayed on screen showing the location plan; proposed site layout plan; aerial photograph illustrating red line boundary of the site, sewer infrastructure location, culvert location, and bus stop locations; Access arrangement plan and, photographs of the site, an explanation of which was provided for the benefit of Members.

Although the proposal sought Outline Permission the applicant and agent had worked with the relevant authorities to address concerns relating to impact on flood risk in order that the application could be considered with some assurances. A further Reserved Matters application to deal with those matters would still be required with conditions addressing the requirement for further information even though it was proposed that conditions include the relevant flood risk assessment and junction proposal as part of the current application.

The application included an indicative layout which assisted in the understanding of the proposal and whilst not a fixed arrangement, as layout was a Reserved Matter, it included a standard proposed small retail store for a discount operator (Lidl) set at the back of the site with car parking and access in front. There were some constraints within the site which dictated the potential to change the layout in particular underground infrastructure which cannot be built over.

At the virtual site visit Members asked for clarification on some matters of local infrastructure relating to the site. Using an aerial photograph, the Development Manager detailed the red line boundary of the application site in the context of the wider field which showed that land to the west and rear of the site do not form part of the proposal and would remain undeveloped. Moreover, the siting of sewerage infrastructure was illustrated along with the location of a culvert that discharged into Durranhill Beck and had formed part of the investigative works referred to in the Flood Risk Assessment and by the Lead Local Flood Authority.

During the virtual site visit a Ward Member raised concerns about existing access arrangements to other properties. A Stage 1 Road Safety Audit had considered the proposed new access in the context of the proposed development however; as part of a subsequent application a stage 2 Road Safety Audit would be required which would highlight those local issues in need of consideration, although there were currently no significant changes to the kerb line which would affect existing arrangements.

Following publication of the report, additional support for the store had been received by email and anonymous phone call from local residents. The Development Manager was also aware that Members had been provided with some information from the applicant reflecting the proposals, the pre-application consultation and the work undertaken to get the application before Members. Furthermore, Members had been circulated a response and additional email from another retailer operating in the city. It acknowledged there was no issue with competition however, it questioned whether the format of the store was significantly different from other supermarkets as the store's operation had evolved. The Development Manager stated that there were no planning conditions on any existing stores which limited the price range of goods being sold.

In the context of the report and the above presentation, the application was deemed to be acceptable in principle. The Development Manager assured Members that the recommendation had been difficult to make when balancing the local issues in the Warwick Road area.

On the basis of the report and that no significant further issues have arisen since the publication of the report, the Development Manager recommended that:

- a) The application be approved with conditions, subject to the completion of a Section 106 Agreement to secure a travel plan monitoring contribution of £6,000;
- b) Should the legal agreement not be completed, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

Mr Nash (Objector) spoke against the application in the following terms: there was another site available in the immediate area of the site which would be better suited to the development; the response to the applicant's public consultation on the proposals was small; approving the proposal may lead to job losses at local Post Offices; the proposed traffic junction had not been fully considered; traffic density flows were taken at a time when traffic restrictions were in place on Warwick Road; the response from the Environment Agency was not sufficient; the bus services listed in the report were incorrect.

Councillor Betton (Ward Member) addressed the Committee in the following terms: he had received comments in support and objection to the proposal from residents; the development had the potential to negatively impact the effectiveness of nearby flood defences; the site was a flood basin. Councillor Betton displayed on screen showing: a summary of residents' views in relation to the application; pictures illustrating the impact of high river levels near the site in 2019; pictures of drainage infrastructure in the vicinity of the site, an explanation of which was provided for the benefit of Members.

Councillor Paton (Ward Member) addressed the Committee in the following terms: he was not opposed to the development of the site, but felt that the constraints of the site meant that either the store should be constructed on stilts or another site ought to be used for the development; nearby residents would prefer the site to remain a flood plain. Councillor Paton requested that the application be deferred or another consultation on the proposal be carried out

Mr Baines (Agent) responded in the following terms:

- The site was mapped by the Environment Agency as being within Flood Zone 3a and was not within an area of functional floodplain. The site also benefitted from flood defences, the location of which were summarised for Members. It was noted that a recent planning application for a site in a similar context with regard to flood risk had previously been approved by Committee. Proposals for work at the Sands Centre were approved in 2018 for that site, which was located in Flood Zone 3a and which benefitted from flood defences;

- Following flooding in 2015, the scale of which exceeded the design standard of installed local flood defences, options were developed to increase the standard of protection afforded by defences in the Warwick Road area. Those options had been developed as part of the Carlisle Flood Risk Management Scheme;
- The risk of flooding at the site primarily related to potential fluvial flooding from the River Petteril, River Eden, Old Eden and Durranhill Beck however, when the local flood defences were taken into consideration, the probability of flooding at the site for fluvial events was considered to be low;
- Mitigation measures were included in the design in order to protect the development and to ensure that the proposals did not increase the risk of flooding at the site or for off-site areas. Mr Baines provided a summary of the proposed mitigation measures;
- At the request of Cumbria County Council, a CCTV survey of the surface water sewer which would receive drainage from the site had also been undertaken. It confirmed that the sewer was in good condition from the site to the outfall on Durranhill Beck;
- The Flood Risk Assessment demonstrated that the proposed development was in line with planning policy relating to flood risk. The Environment Agency had confirmed it was satisfied the proposals would not be subject to unacceptable levels of flood risk and that flooding of the scheme would not occur unless the defences were over topped or breached. They were also satisfied that that the scheme will not exacerbate flood risk elsewhere.

Mr Hutesson (Agent) responded in the following terms:

- In regard to Retail Planning Considerations, Officers had concluded that the principle of retail development was acceptable as the scheme would not give rise to any significant adverse impacts on designated retail centres;
- The Highway Authority was fully satisfied that the proposal was acceptable in highways terms and provided appropriate access, parking and delivery provision, and that it would not impact adversely on the highway network;
- The proposal would introduce a new signalised junction which had been agreed with the Cumbria County Council. A Stage 1 Road Safety Audit and detailed junction modelling had been carried out on the design of the proposed signal junction including the B&B driveway, which concluded that there were no safety concerns and that the new junction would provide a betterment to the highway network
- In regard to Sustainable Travel:
  - It had been demonstrated that the proposed site was served by public transport with bus stops located along Warwick Road and Victoria Road within easy walking distance. The 74, 75, 76 and 31 and 685 bus services were able to be accessed from these bus stops providing 7 services per hour;
  - the proposed development provided pedestrian access from Warwick Road directly to the site and cycle parking facilities close to the store's entrance;
  - the development would introduce 2 Rapid electric vehicle charging points;
  - a Travel Plan had been prepared to encourage staff and visitors to travel by sustainable travel modes to minimise the need to travel by single car occupancy; and, if required, Lidl could provide a free to use taxi phone in the store;
  - The applicant was also aware of some concerns about the match day parking due to the proximity to the stadium ground. To address this, an adequate car park management plan would be provided in those events;
- There was significant public support for the proposals. Prior to the submission of the application a significant public consultation was carried out. Over 300 replies were received, with 60% of respondents supporting the proposals. The application had received 47 letters of support from local residents versus 35 objections;

- The proposed development would deliver a number of tangible benefits to the local area – provision of a local, discount shopping choice for the Botcherby residents, allowing local population to shop more sustainably; creation of 40 new full and part-time jobs, a multi-million pound investment into the local economy;
- A comprehensive landscaping scheme (to be agreed at the Reserved Matters stage) would improve the visual amenity of the site including new tree planting thus enhancing and developing local biodiversity.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The site was not a flood plain, but its capacity to store water during a heavy rain event was recognised;
- The pictures shown by Councillor Betton illustrating the high water event in 2019 showed drainage infrastructure connected to the river Petteril, whereas the drainage from the proposed scheme would discharge into Durranhill Beck. However, following an investigation by the Environment Agency and the Lead Local Flood Authority into the causes of that flood event, faults had been identified with the infrastructure, the appropriate measures would be taken to repair the infrastructure. The Officer had delayed his assessment of the application until the investigation had been complete so its findings may be considered in terms of their potential impact on the proposed scheme;
- The surface water drainage plan would need to make provision for a storm event of a magnitude that would result in the existing flood defences being over topped;
- The applicant had conducted a full camera survey of the drainage infrastructure the proposed scheme would utilise and it was found to be in good working order. Moreover, the drainage proposals meet agreed national standards and provided sustainable drainage features including permeable tarmac which would allow surface water to drain into infiltration tanks installed underneath the car park;
- The proposed infiltration tanks would act as mitigation for the loss of the water storage capacity of the site, the discharge rates from the tanks would equal greenfield runoff rate. Therefore, all drainage requirements were met by the proposal;
- Cycle access to the site would be considered as part of any Reserved Matters application;
- The area of the proposed car park was currently lower than that of the adjacent highway, the level of the car park would be considered during the assessment of a Reserved Matters application;
- The submitted Retail Impact Survey concluded the development would have a minor impact on other stores in the area;
- A series of traffic modelling exercises had been carried out, the Highway Authority had determined the impact of the proposal was acceptable, therefore it had not submitted an objection;
- The location of sewerage infrastructure under the site placed constraints on the layout of the scheme but did not preclude the development from taking place;
- In considering planning contributions to be imposed on the permission the Officer had liaised with the Environment Agency to identify whether a contribution to its flood defence work in the city was required. Currently a contribution to those works was not needed. It was not possible to include a speculative request in a formal legal agreement (Section 106), but the matter would be reappraised during the consideration of a Reserved Matters application.

A Member moved the Officer's recommendation which was seconded. Another Member moved that the application be refused on the grounds that the site was not appropriate for the development, which was seconded.

The Chair indicated that the proposals would be put to the vote in the order that they were submitted. The proposal to accept the Officer's recommendation was put to the vote and agreed, therefore the proposal to refuse the application was not voted upon.

RESOLVED: 1) That the application be approved with conditions, subject to the completion of a Section 106 Agreement to secure a travel plan monitoring contribution of £6,000;  
2) should the legal agreement not be completed, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

#### **DC.012/21 STANDING ORDERS**

During consideration of the above item, it was moved, seconded and RESOLVED that Council Procedure Rule 9, in relation to the duration of meetings be suspended in order that the meeting could continue over the time limit of 3 hours.

[The meeting closed at 3:43pm]