

Development Control Committee

Date: Friday, 24 June 2022 **Time:** 10:00

Venue: Council Chamber

Present: Councillor Ruth Alcroft, Councillor Mrs Marilyn Bowman, Councillor Nigel Christian, Councillor Mrs Christine Finlayson, Councillor Mrs Anne Glendinning, Councillor David Morton, Councillor David Shepherd, Councillor Christopher Southward, Councillor Raymond Tinnion, Councillor Christopher Wills
Councillor Mrs Linda Mitchell (for Councillor Keith Meller)

Also Present: Councillor Allison (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application - 19/0244 - Land at field 3846, Monkhill Road, Moorhouse, Carlisle.

Councillor J Mallinson (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of applications:

- 20/0087 - Firbank Farm Buildings, Firbank, Westlinton CA6 6AQ;
- 20/0088 - Firbank Farm, Firbank, Westlinton, CA6 6AQ.

Officers: Corporate Director of Economic Development
Head of Legal and Democratic Services
Principal Planning Officer
Planning Officer x 2
Mr Coyle - Manager, Flood and Development Management - Cumbria County Council
Mr Barnard – Lead Officer, Flood and Development Management - Cumbria County Council

DC.054/22 APOLOGIES FOR ABSENCE

An apology for absence were submitted on behalf of Councillor Bomford.

DC.055/22 DECLARATIONS OF INTEREST

In accordance with the Council's Code of Conduct the following declaration of interest was submitted:

Councillor Morton declared an interest in respect of application 19/0244 - Land at field 3486, Monkhill Road, Moorhouse, Carlisle. The interest related to objectors being known to him.

In relation to application 21/1143 - Land adjacent to Meadow Cottage, Tarraby, Carlisle, CA3 0JS, Councillors Alcroft, Mitchell and Wills indicated that they had not been present at the Committee's earlier consideration of the application, therefore they would not participate in the discussion nor determination of the application.

DC.056/22 PUBLIC AND PRESS

RESOLVED - That the agenda be agreed as circulated.

DC.057/22 MINUTES OF PREVIOUS MEETINGS

RESOLVED - That the minutes of the meetings held on 13 May, 22 June and 22 June (site visits) be approved.

DC.058/22 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

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

DC.059/22 CONTROL OF DEVELOPMENT AND ADVERTISING

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

1. Application - 19/0244 - Land at field 3486, Monkhill Road, Moorhouse, Carlisle Proposal: Erection of 14no. dwellings.

Councillor Morton having declared an interest in the item removed himself from the Chair of the meeting and took no part in the discussion nor determination of the application. Councillor Tinnion, Vice-Chair, took the Chair.

The Objector noted that at an earlier submission of the application to the Committee, Councillor Tinnion had declared an interest in the application and questioned whether he ought to declare an interest and whether it was appropriate for him to chair the meeting during the Committee's consideration of the matter.

Councillor Tinnion set out the nature of the interest which he had declared several years ago and clarified that, in his view he did not have an interest in the item before the Committee. Councillor Tinnion assumed the role of Chair.

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 22 June 2022. Slides were displayed on screen showing: location plan; proposed site plan; pictures of Moorhouse showing the Listed Buildings and the range of types and styles in the settlement; schematic illustrating the relationship between the application site and each of the Listed Buildings in Moorhouse; schematic showing the application site and the Listed Buildings in closest proximity; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer advised that on 21 June 2022 Historic England had formally consulted the Council on its Consultation Report regarding Fairfield House which contained a proposed revised entry for the National Heritage List for England. The report from the Statutory Consultee was the first stage of its assessment of the property and consultation process. In due course it would make a recommendation to the Secretary of State for Digital, Culture, Media and Sport who would determine whether the Listing was to be amended; the recommendation would remain private until the final decision on the matter had been made. Historic England further advised the Council that as it was only part way through its Listing amendment process, the proposed revised draft List entry did not replace the existing one, which was reproduced in paragraph 6.19 of the report.

The impact of the proposed scheme on the setting of Listed Buildings had been considered by both Historic England and the Council's Conservation Officer during the Local Plan adoption

process when the site was allocated for residential development, with neither raising specific comments. As set out in paragraph 6.38 of the report, Historic England had confirmed it was aware of the proposed scheme and considered that the building would not be directly affected.

During the Committee's site visit, Members had raised a number of queries which the Officer responded to as follows:

- Hedgerows – the existing hedgerows were to be retained except for the enlargement of the existing field entrance to afford vehicular access to the development site, were the application to be approved. Condition 12 stipulated that the existing hedgerows were to be retained at a height of 1.6 metres when measured from the existing ground level and that any gaps exceeding 250mm were to be enriched by the planting of a double row of staggered hawthorn plants;

The following conditions also pertained to hedgerows and landscaping: Condition 6 required the submission of details setting out the position and type of barriers to be installed to protect the retained hedgerows; Condition 7 sought to protect the hedgerows during construction works; Condition 8 required the submission of a landscaping scheme, with a requirement that all planting be undertaken in the first planting season following the completion of the ninth dwelling and that any plants within 5 years which become seriously damaged or diseased be replaced.

In respect of the future maintenance of the retained hedgerows. Clarification had been sought from the Agent who had advised that: *"The internal face of the hedgerows facing the gardens would be managed by the homeowners, whereas the external face fronting onto the road would be maintained by the Management Company who would also oversee the maintenance of the communal areas such as the roads and surface water drainage etc. We would be happy for this clarity to be included in the Section 106 agreement as you would typically do for larger scale developments"*. Were Members to approve the application, the maintenance arrangements for the hedgerows may be included within the Section 106 Agreement.

- Access – the proposed scheme required the enlargement of the exiting field entry point to afford vehicular access into the site. The proposed site plan, reproduced on page 67 of the Main Schedule, illustrated that the proposed access would be framed by a feature stone entrance wall with the visibility splays crossing the existing highway verges and would not be obscured by the retained hedgerows. The Highway Authority had been consulted and raised no objections to the visibility splays subject to the imposition of a condition requiring that they be provided prior to the commencement of development (Condition 10 refers).

- Open Space Provision / maintenance - the scale of the development did not meet the threshold for the provision of open space provision as set out in Policy GI4 of the Local Plan.

In conclusion the Planning Officer recommended that:

- a) the application be approved subject to a legal agreement. The Section 106 Agreement to consist of the following obligation: a) the provision of on-site intermediate 2no. two bedroom dwellings (Plots 6 and 7) for low cost home ownership at 30% discounted rate of market value;
- b) If the legal agreement is not completed within a reasonable time, then Authority to Issue is requested to the Corporate Director of Economic Development to refuse the application.

Councillor Allison (Ward Member) addressed the Committee in the following terms: more flood events occurred in Moorhouse than any other settlement within his Ward; following a flood event he undertook a visit to the application site where it was evident that a wet area in the bottom right hand corner of the site was not connected to the existing highway drainage network; Cumbria County Council were not obligated to monitor the network of ditches supporting the highways drains, that was a matter for the relevant landowners; slides were displayed on screen showing the impact of a number of flood events on domestic properties in Moorhouse; amendments to

properties undertaken by residents to minimise flood damage were detailed; the relevant authorities had neglected the flooding situation in the village; the surface water drainage proposals would have an impact on existing residents as, in prolonged wet weather periods, attenuated waters would still discharge into the highway drainage system, the proposed dwellings would not be subject to the same flood risk; Cumbria County Council as Lead Local Flood Authority had instructed a resident to replace their drain which was part of the network the development would connect to, at great cost to the resident, it was not fair that the developer would profit from the scheme whilst residents bore the impact of water discharge from the site; there was little confidence that the developer would fulfil the conditions associated with any approval given they had failed to comply with an instruction to cut back the hedge which abutted the road, the work was subsequently carried out by Cumbria County Council; the applicant had felled an Oak tree in the site without permission; the proposal sought to maximise the financial return for the developer by providing a scheme which exceeded the allocation of dwellings given in the Local Plan.

Given the concerns set out in relation to drainage, Councillor Allison requested that the Committee defer determination of the application in order that an independent inspector might assess the application, its drainage proposals, the history of flooding in the area, and other relevant technical documents.

The Chair invited Officers to respond to the points raised by the Ward Member.

The Planning Officer responded that the Oak tree which had been felled was not subject to a Tree Preservation Order nor was the site in a Conservation Area. With regards to the cutting back of the boundary hedge, the works had been requested some time ago but were not immediately carried out due to it being the bird nesting season.

Mr Coyle advised that Cumbria County Council was well aware of the existing flooding issues in Moorhouse and had investigated the matter. The application site drained into an existing watercourse which ran under the highway, the stone culvert carrying the discharge required widening and replacing with pipework: that work had been carried out and would reduce ponding on the highway in times of wet weather. There were further concerns regarding drainage pipework in two locations, with Enforcement Notices by Cumbria County Council as Lead Local Flood Authority served to the relevant riparian owners to undertake the necessary works. In the event of those works not being concluded before the coming winter, Cumbria County Council would undertake the works and serve Notice on the appropriate parties.

In relation to the Discharge of Conditions application, the developer had been advised no connection to the drainage system would be permitted until such time as all remedial works had been carried out and Ordinary Watercourse Consent issued.

Mr Cowx (Objector on his own behalf and on behalf of Ms Howe, Ms Duckworth, Mr Watson and Ms Tyson) displayed the following slides on screen: site plan comparison for the current application and the previously approved scheme for 9 dwellings; picture of Fairfield House and its date stone; pictures of flood events affecting the highway in Moorhouse; picture of flooding of the application site; schematic showing the location of existing drainage infrastructure in Moorhouse.

Mr Cowx objected to the application in the following terms: the size, scale and design of the proposed scheme were not appropriate; the Local Plan set an indicative yield for the site of 10 dwellings, an extant permission was in place for 9 dwellings, which was welcomed; 14 dwellings was too many, during previous considerations of the application the Committee had indicated it was not in favour of more than 9 properties at the site; Moorhouse had already significantly exceeded the housing target for the village set in the Local Plan, thus the proposal would lead to

over-development of the settlement; the current scheme's design was cramped, dense and ugly compared to the 9 dwelling scheme which would have blended better with the existing properties; the comparison made in the Officer's report to the density of council house properties in the village was misleading as it was not comparable with the wider settlement; the increased density would have a detrimental impact on the residential amenity of nearby residents through increased noise, light and vehicular movements; the public benefit of an additional 5 dwellings was negligible, but would significantly impact Moorhouse; the Council for the Protection of Rural England (CPRE) objected to the application on the grounds of loss of biodiversity and green space; the proposed scheme was not sustainable development as there were no services in the settlement for it to support; the local schools did not have capacity to accommodate the additional children from the development; Moorhouse had the highest proportion of Listed Buildings in the district, the increase in the number of dwellings included in the scheme was likely to cause harm to them, the impact on Fairfield House in particular had not been given sufficient consideration and there were issues related to its entry in the National Heritage List for England; the Council's Heritage Officer did not support the proposal; the proposed drainage scheme was an infringement of the legal rights of existing residents; the highways drainage network was not a water course; residents had commenced proceedings with the Lands Tribunal regarding the responsibility for repairs to / replacement of existing drainage network infrastructure, Cumbria County Council as Lead Local Flood Authority had not engaged with the process, were residents to win the tribunal, the development would not be permissible due to drainage matters; the developer had a track record of breaching planning conditions and had felled an oak tree in the site without permission.

Mr Cowx asked the Committee to reject the proposed scheme in favour of the implementation of the extant permission for 9 dwellings at the site.

Mr Coyle (Cumbria County Council) responded in the following terms: Cumbria County Council had received no submission in relation to a Lands Tribunal, the Tribunal related to landownership and was not relevant as Cumbria County Council was not the owner of the relevant land; responsibility for the maintenance of drainage infrastructure was a matter for the relevant landowner; the developer had exposed all drainage infrastructure that would be utilised in the event of the application being approved; the surface water discharged at the southern boundary into a culvert under the road (which had latterly been replaced by pipework), that culvert was historically used as a watercourse and did not form part of the highways drainage system; the outfall surface water drainage pipes at the northern boundary discharged into an underwater area that effectively formed an obstruction which the riparian landowner was required to replace; where the obstruction not to be removed before the autumn Cumbria County Council would serve Notice on the owners and undertake the works itself; the proposed increased dwellings and the drainage scheme associated with the application would reduce the surface water drainage discharge from the site via attenuation mechanism, it would be a betterment to the existing situation.

Mr Greig (Agent) responded in the following terms: the current scheme was an improvement of the previously approved as it would allow for more efficient land use; the current proposal increased the number of dwellings fronting Monkhill Road by one, given that the proposed dwellings were single storey, and were positioned further away from Fairfield House, the visual impact would be negligible; the increased number of dwellings meant that the proposal had exceeded the Council's policy trigger to provide affordable housing and two such properties were incorporated into the scheme; there was a need for bungalows in the district and it was anticipated that the dwellings would appeal to an older demographic, therefore less pressure would be put on school places; the application would increase biodiversity at the site through the provision of 16 trees and 311m of mixed native hedgerow, compared to the 5 trees and 72m of beech hedging approved under the previous scheme; the developer was agreeable to increasing

the minimum hedge height to 1.8m. Mr Greig displayed slides on screen showing: site plan comparison for the current application and the previously approved scheme for 9 dwellings; and Schematic showing the application site and the Listed Buildings in closest proximity, he questioned whether Moorhouse needed provision of more executive homes and was of the view that the current scheme would provide more to the community as a whole.

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- Three defects in the existing drainage infrastructure requiring remedial works had been identified – the replacement of a stone culvert which discharged surface water to the south of the site under the highway, the developer undertake that work; an obstruction in the pipework which ran to existing properties and a site where a pipe discharged into water which required the gradient of the pipe to be reset; both those matters were to be addressed by the relevant riparian owners, in the event of the works not being completed by the coming winter, Cumbria County Council would undertake those works and serve the appropriate Notices on the owners;
- Cumbria County Council had taken court action previously in respect of works to remedy defects in the drainage systems and would do so again. The process may take between six months and a year to complete, the developer was aware of the situation;
- The drainage scheme was expected to reduce the level of surface water flooding in the vicinity of the application by half, any future flooding was likely related to residual issues on the highway;
- The issue of flooding more widely in Moorhouse was not relevant to the application as there were a number of other areas where improvements were needed;
- Condition 13 set out the approval process for the drainage scheme which would incorporate standard water attenuation measures;
- The affordable housing units would be two-storey dwellings and had been located within the site to minimise visual impact;
- Historic England had responded and was aware of the proposal, however, it considered it would not affect the setting of the adjacent Listed Buildings;
- The Management Company would be responsible for the maintenance of the external aspect and top of the boundary hedge.

A Member felt that in order to reduce the visual impact of the scheme and to protect the setting of the adjacent Listed Buildings that the minimum height of the boundary hedge ought to be set at 2m. The Corporate Director of Economic Development agreed to explore how the matter may be addressed by the Management Company and to incorporate it into the legal agreement.

The Head of Legal and Democratic Services noted that compliance with condition 13 was predicated on works being undertaken by third parties, she asked whether the developer would be able to meet the condition?

Mr Coyle responded that due to the involvement of third parties it would be difficult for the developer to comply with the condition.

The Head of Legal and Democratic Services sought the views of the Corporate Director of Economic Development and the Planning Officer on amending Condition 13 to a Grampian style Condition; the Director and Officer indicated their agreement.

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

RESOLVED: 1) That authority be given to the Corporate Director of Economic Development to issue approval for the proposal subject to the completion of a legal agreement consisting of the following obligations:

- a) the provision of on-site intermediate 2no. 2 bedroom dwellings (Plots 6 and 7) for low cost home ownership at 30% discounted rate of market value; and,
- b) details of a Management Company for the application site detailing arrangements for the maintenance of the retained hedgerows; internal landscaping features; surface water drainage and internal roadways.

2 Should the legal agreement not be completed, delegated authority to the Corporate Director of Economic Development to issue refusal of the proposal.

Councillor Morton resumed as Chair.

2. Application - 21/1143 - Land adjacent to Meadow Cottage, Tarraby, Carlisle, CA3 0JS

Proposal: Erection of 4no. dwellings and associated works.

The Principal Planning Officer submitted the report on the application which had been deferred by the Committee at its meeting of 8 April 2022 due to concerns regarding the validity of the data contained in the submitted traffic survey along with a request for further details to be submitted in the traffic report.

Slides were displayed on screen showing: location plan; previously approved site layout; previously approved floor and elevation plans; current site layout plan; current elevations plans; artist's impressions of the proposed dwellings; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer advised that the purpose of the speed survey was to ascertain vehicle speeds to inform the extent of the visibility splays required; the Highways Authority had indicated it was satisfied with the revised traffic report.

A further letter of objection had been received which questioned the achievability of the visibility splays, the applicant had subsequently submitted a plan demonstrating that the splays were able to be provided at the required distance.

Following the Committee's earlier consideration of the application an Appeal Decision regarding the adjacent site at Shortdale Cottage had been received and was reproduced in Schedule B, the Principal Planning Officer summarised a number of points therein.

Additionally, since the Committee's previous consideration of the scheme the issue of nutrient neutrality had come to light, therefore the Principal Planning Officer recommended that Authority to Issue approval be given to the Corporate Director of Economic Development subject to conditions and a satisfactory solution to deal with nutrient neutrality.

Mr Nicholson (Stanwix Rural Parish Council) objected to the application in the following terms: the results of the original speed survey had been flawed as the measuring equipment had incorrectly categorised two cycles travelling close together as four-axled vehicles; the revised Automatic Traffic Count (ATC) erroneously stated that the speed limit in the area was 30mph when it was in fact the national speed limit of 60mph; the ATC equipment had been sited directly outside the application site thereby only counting the traffic passing over it and the remaining dwellings lying beyond, it did not take into account traffic using the lane in respect of the other dwellings in the hamlet which would also be affected by the proposal; an Officer of the Highway Authority had commented that the survey was not conducted to consider the capacity of the lane; the ATC counted 365 traffic movements in a week; there were discrepancies between the original and the revised reports in respect of average recorded speeds, which raised concerns in relation to accuracy; comparing the traffic impact of the current application to that of the adjacent

Shortdale Cottage was not relevant as conditions imposed on the development at Shortdale Cottage included the imposition of passing places which was not feasible in respect of the current scheme; the Officer's report had incorrectly identified the area where the Gosling Sike entered the River Eden, despite evidence provided by the Parish Council showing the correct entry point; any obstruction in the proposed surface water drainage system was likely to cause surcharging of highways drain gullies leading to flooding of Tarraby Lane at Meadow Cottage; the applicant would have little agency to prevent the flooding other than the clearance of highways gullies; a section of the proposed drainage system was sited beneath a residential property; were the condition to be amended to a Grampian condition, it was unlikely that the applicant would be able to comply with such a condition within the time-frame of a granted permission, as such the condition was unreasonable and unenforceable and could not be included within the consent; due to the arising of Nutrient Neutrality issues, the recommendation was for Authority to Issue to be given to the Corporate Director which meant that Statutory Consultees and the public would not be able to examine or comment on the assessment, given that it was a document needed to determine the application, it ought like all other reports be open to the public; at the Committee's earlier consideration of the application it was proposed and seconded that the application be refused, Mr Nicholson requested that the Committee refuse consent.

Ms Lightfoot (Agent) responded in the following terms: a camera had been installed along with the measuring equipment for the revised ATC which confirmed the earlier survey had registered two cycles as a four-axled vehicle; whilst there were differences in the average speed of traffic over the two surveys, the higher speed had been used as the basis for the measurement of the required visibility splays which a surveyor had confirmed where achievable and the Highway Authority had approved; the information provided in the revised survey was robust and fit for purpose; the recent Appeal Decision in respect of Shortdale Cottage had confirmed that the additional vehicular movements on a lightly trafficked road were not significant; a full camera survey of the drainage system had been undertaken and submitted to the Local Planning Authority and Lead Local Flood Authority; the proposed drainage system would lead to a betterment; CGI drawings of the proposed new dwellings had been submitted to demonstrate how the properties would accord with the approved drawings; the proposed scheme would provide 2 bungalows; the application met the requirements of the Local Plan and National Planning Policy Framework.

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- regarding the design the proposed scheme reflected the existing dwellings in a number of features including - door and window types, materials, catslide roof, porches and the reorientation of the site to create a courtyard;
- there was an identified need for bungalows;
- The National Design Code was not yet a material planning consideration.

In response to a request from a Member that swift bricks be incorporated into the new dwellings, the Principal Planning Officer undertook to include a condition in the consent.

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

RESOLVED: That Authority to Issue approval be given to the Corporate Director of Economic Development subject to conditions and a satisfactory solution to deal with nutrient neutrality.

**3. Application - 22/0087 - Firbank Farm Buildings, Firbank, Westlinton, CA6 6AQ
Proposal: Amendment to scheme approved under application 20/0471 (Erection of replacement agricultural buildings together with construction of new access track) (Retrospective Permission); and the siting of a silo**

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 22 June 2022.

Slides were displayed on screen showing: location plan; block plan; site plan; elevation and floor plans approved under application 20/0471; silo elevation plan; as proposed site plan; and, photographs of the site, an explanation of which was provided for the benefit of Members.

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

Mr Carr-Baugh (Objector) objected in the following terms: the application was necessary as a result of intensified farming, its impact should be mitigated; a retrospective planning application should not be considered in isolation; the stipulation of the consent under application 20/0471 that the south side of the shed be closed to protect against noise and disturbance had been ignored by the Officer; the current application sought to open the southern aspect and a section of central boarding within the structure had been opened up which would exacerbate noise and other nuisance disturbance with dust and straw escaping into the adjacent residential garden; the Officer had miscalculated the distance from the shed to the residential property; planning authorities were not permitted to authorise a nuisance; the noise assessment carried out Environmental Health took place prior to the use of the shed and the applicant was given advance warning of the assessments, thus the data was not representative; Environmental Health had not considered the finding of a third party noise report which showed exceedance of statutory noise limits in the adjacent property's master bedroom; the routing of farm traffic as proposed would have caused damage to the adjacent residential property and would be better confined to the north as per the earlier application, the Officer had not given proper consideration to the matter. Slides were displayed in screen showing; written summaries of the points made to Members; rejected and approved elevation plans in respect of application 20/0471; a plan of the south elevation as constructed in breach of 20/0471; photograph of the open southern elevation; a list of key and summary points; misleading noise conclusions; photograph of the front cover of a third party noise report, and certificate of calibration of equipment; sample Class II data recorded in master bedroom; noise record results from house master bedroom; slide summarising dust, straw and noise nuisance; photograph of dust escaping from application site to adjacent residential property; slide showing facilitation of unacceptable traffic flow; summary slide.

Councillor J Mallinson (Ward Member) addressed the Committee in the following terms: the present owners of Firbank House had been resident since 2000, for many years the farm buildings were little used and derelict; the Transfer Deed stated that the occupant of the retained building should not cause noxious smells, noise nuisance or annoyance to the transferee, it further showed the transferee had right of way over the retained land which was not gated and padlocked, denying the transferee access to their garage; the proposal for the shed was oversized; an earlier application to allow the southern aspect to remain open was rejected, it was currently partially open; given the new access route it was difficult to understand the necessity of opening the southern aspect; were the southern aspect to be closed the proposed scheme would be far more acceptable; it was important that measures to allow both parties to enjoy their respective properties without disturbance to each other were taken.

Mr Hutchinson (Agent) responded in the following terms: Firbank Farmhouse was purchased in

the knowledge that it was immediately neighboured by a farming business involving the rearing livestock; the business operated by having building open on the southern elevation with areas of hardstanding directly in front of the openings; the building replaced by the current proposal had openings on the southern elevation as well as a route running north-south between it and a neighbouring building; the previous building had been replaced to provide a new structure that was compliant with modern standards of health and safety; legislation and codes in respect of the health and safety of livestock covered the provision of ventilation, lighting, internal space, the condition of associated tracks and hardstanding along with variations dependent on age, sex, weight behavioural needs and whether the animals had horns; the current building provided an additional 67.5sqm of floorspace for livestock, based on the industry standard space per animal would lead to a further 13 – 14 animals, a 3-4% increase of the total livestock making up the business; it was not clear how such a limited increase would lead to a demonstrable adverse impact that was sufficient to merit refusal; the application site had been monitored on two separate occasions by Environmental Health with no objection raised as a result, the applicant had not been notified that the monitoring activity would take place; in the context of the other buildings at the farm having open southern elevations, along with the proposed silo, the application would enable vehicular access via the new track rather than using the drive which served Firbank and a narrow section of the existing yard thus allowing for effective and efficient operation of the farm.

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

The Planning Officer made the following points:

- The opening of the southern elevation was required for animal husbandry reasons as well as ventilation for the livestock and as an escape route for workers all of which were reasonable and acceptable;
- A senior Officer in Environmental Health confirmed that two assessments had been carried out over four days in total, the applicant was not notified of the assessments in advance;
- No Statutory Nuisance had been identified during the Environmental Health assessments of the site;
- There were no upper or lower limits associated with Statutory Noise Nuisance;
- Any issues relating to Statutory Nuisance were dealt with by Environmental Health not the planning process;
- Issues relating to Deeds were a civil matter and out with the planning process;
- The track was not subject of the current application.

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- The level of activity at the farm was considered normal;
- Statutory Nuisance matters were dealt with by Environmental Health in line with the relevant legislation;
- Private and Statutory Nuisance were separate matters and did not prevent the determination of the application, nor would the granting of planning permission prevent the submission of a claim in the civil courts.

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.

4. Application - 22/0088 - Firbank Farm, Firbank, Westlinton, CA6 6AQ

Proposal: Retrospective permission to extend track approved under 20/0471; re-surface to existing drive; and form/replace areas of hardstanding.

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 22 June 2022.

Slides were displayed on screen showing: location plan; as proposed site plan; and, photographs of the site, an explanation of which was provided for the benefit of Members.

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

Mr Carr-Baugh (Objector) objected in the following terms: the application site was only 5m away from Firbank; mitigation planting would be preferable to chippings; the noise assessment had been inadequate; noise levels exceeded the statutory maximum of 70dBA; the proposed use was incompatible with the adjacent residential property; vehicle access was restricted. Mr Carr-Baugh requested that the Committee refuse the application. Slides were displayed on screen showing: incompatibility of use including a photograph on an agricultural vehicle being driven at Firbank and a list of impacts; disturbance to residents; failure to consider relevant facts including a list of issues; misleading conclusions in the Officer's report; a list of potential solutions.

Councillor J Mallinson (Ward Member) addressed the Committee in the following terms: given the space available at the farm it was difficult to understand why large agricultural vehicles needed to be parked against the boundary of a Listed house; the boundary wall which was in the ownership of the applicant was in poor condition; in the event of permission being granted it would be helpful if appropriate screening were incorporated.

Mr Hutchinson (Agent) responded in the following terms: the application had been submitted to facilitate the manoeuvring of vehicles and equipment and to provide a holding area for feed and bedding; the application was not a Change of Use it was associated with the farm; the proposed surfacing was intended to keep the site clear of mud and dirt; the proposal would not be detrimental to the character of the landscape, amenity of the area and living conditions sufficient to warrant refusal; the Heritage Officer considered that the proposal would not be detrimental to Firbank House; the Lead Local Flood Authority had not objected to the application. Slides were displayed on screen showing: an aerial picture of the application site and the as proposed site plan.

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

The Planning Officer made the following points:

- Damage to property was a civil matter;
- The proposal would not have a detrimental impact on a Listed Building;
- There were no restrictions on the operation of a farm as it would be detrimental to rural business;
- Mitigation planting was a matter for Members.

The Corporate Director of Economic Development advised that were Members to require it a condition may be imposed to incorporate planting to mitigate the proposal and provide an interface between the site and the Listed Building. She further invited Members to consider whether a Tree Preservation Order be considered for the Lime tree.

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- The residents of Firbank retained Right of Way over the joint access;
- The Lead Local Flood Authority had not objected to the onsite drainage;

A Member commented that in order to protect the amenity of residents a surface water drainage scheme was needed in respect of the hardstanding areas.

The Corporate Director of Economic Development undertook to incorporate a condition for surface water drainage.

A Member moved the Officer's recommendation along with additional conditions in respect of landscaping and surface water drainage, and an assessment of the Lime Tree for suitability for a Tree Preservation Order. 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 Officers assess the Lime tree for suitability for a Tree Preservation Order.

DC.060/22 STANDING ORDERS

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

5. Application - 22/0078 - Bridge End Inn, Bridge End, Dalston, Carlisle, CA5 7BH Proposal: Change of use of garage to dual use consisting of staff accommodation and holiday let to be used in association with the Bridge End Public House (Revised Application).

The Principal Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 22 June 2022.

Slides were displayed on screen showing: location plan; proposed block plan; proposed elevations; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer recommended that Authority to Issue be given to the Corporate Director of Economic Development subject to conditions and a satisfactory solution to deal with nutrient neutrality.

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- The location of the substation had been considered and was deemed not to be an issue;
- Permission for residential use allowed for permanent occupation, the proposal would have a more restricted use;
- Any extension to the beer garden would require the appropriate planning permission;

A Member asked whether it was possible for an opening in the hedge between the application site and the public house were able to be created.

The Principal Planning Officer responded that he would raise the issue with the applicant, but that it was not able to be included as a condition.

A Member noted that objectors had raised issues in relation to the use of floodlighting, he asked if it was intended to control the lighting used at the site.

The Principal Planning Officer advised that were Members to require it a condition may be included in the permission requiring details of lighting to be submitted.

A Member moved the Officer's recommendation along with the imposition of an additional condition requiring details of lighting to be submitted for approval. The proposal was seconded and following voting it was:

RESOLVED: That Authority to Issue be given to the Corporate Director of Economic Development subject to conditions and a satisfactory solution to deal with nutrient neutrality.

DC.061/22 SCHEDULE B - DECISIONS TAKEN BY OTHER AUTHORITIES

RESOLVED - That the content of the report be noted.

The meeting ended at 13:20