

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 9 OCTOBER 2020 AT 10.00 AM

PRESENT: Councillor Tinnion (Chair), Alcroft (as substitute for Councillor Whalen), Birks, Christian, Glendinning, Meller, Morton, Nedved, Rodgerson (until 12:01pm), Shepherd and Tarbitt (as substitute for Councillor Collier).

ALSO

PRESENT: Councillor Ellis (in his capacity as Ward Member) attended in the meeting having registered a Right to Speak in respect of application 19/0905 - Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road) Carlisle.

Councillor Dr Davison (in her capacity as Ward Member) attended in the meeting having registered a Right to Speak in respect of application 19/0905 - Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road) Carlisle

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

DC.086/20 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Brown, Collier and Whalen.

DC.087/20 DECLARATIONS OF INTEREST

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

Councillor Birks declared a Disclosable Pecuniary Interest in respect of application 20/0537 – 2 Lyne Close, Carlisle, CA3 0EB. The interest related to her being the applicant.

All Members of the Committee declared an interest in respect of application 20/0537 – 2 Lyne Close, Carlisle, CA3 0EB. The interest related to the applicant being a member of the Development Control Committee.

Councillor Alcroft declared an interest in respect of application 20/0455 – 18 Maltmill House, Bridge Lane, Caldewgate, Carlisle, CA2 5SR. The interest related to objectors being known to her. Councillor Alcroft indicated that the interest was both personal and prejudicial and advised that she would not take part in the item of business.

Councillor Mrs Glendinning declared an interest in respect of application 20/0455 – 18 Maltmill House, Bridge Lane, Caldewgate, Carlisle, CA2 5SR. The interest related to objectors being known to her.

In relation to application 19/0905 - Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road) Carlisle, Councillor Alcroft advised that she had provided contact details to Sustainable Carlisle Network who were looking for an expert to provide advice. She gave them details for Cumbria Wildlife Trust, of which she was a member. She had not expressed a view nor decided how she intended to vote on the matter and retained an open mind. Councillor Alcroft indicated that she would take part in the item.

DC.088/20 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.089/20 MINUTES OF PREVIOUS MEETINGS

RESOLVED – That the minutes of the meetings held on 11 September and 7 October 2020 (site visits) be approved.

DC.090/20 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.091/20 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).

The Principal Planning Officer submitted the report on the application which had been subject of a virtual site visit by the Committee on 7 October 2020.

Slides were displayed on screen showing: location plan: application site boundary; as proposed site plan; proposed street scene schematics; landscape plan; footpath plans; Section 104 plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The existing Public Right of Way (PRoW) at the site was 270m long, a new PRoW of 420m long incorporating the permissive path at the northern end of the site, on Carlisle City Council land was proposed: the Section 106 agreement included £3,500 for improving the permissive path which would become a PRoW. The new route would be accessible from various locations along Kingmoor Road and the City Council's Green Spaces team were satisfied with the proposal, it had also been agreed by Cumbria County Council. Were the application to be approved, Carlisle City Council would carry out the work related to the diversion of the existing PRoW.

United Utilities had issued a holding response to the consultation on the application on 1 October 2020 whilst it established whether the proposed development would impact on its assets at the site – a surface water sewer and a combined sewer. The organisation confirmed, on 8 October 2020, that it had no objections to the proposal.

A late response had been received from the Council's Urban Design Officer which questioned the proposed materials (bricks and tiles) to be used. As shown in the report, condition 3 stated that the materials used shall be in accordance with the details contained in the application, however, the Principal Planning Officer suggested that it be amended to require the submission of materials for approval by the Local Planning Authority.

Further to the publication of the report, the Highway Authority had submitted a further response requiring the addition of three new conditions to cover the provision of visibility splays prior to the commencement of development: 60m for the main access, 43m for the emergency access and the 3 private driveways. The Principal Planning Officer recommended that they be included in any permission granted.

Additional letters of objection to the scheme had also been received following the publication of the report. The Principal Planning Officer summarised the issues in the correspondence for the benefit of Members.

During the Committee's virtual site visit, a number of issues were raised which the Principal Planning Officer addressed:

- All the relevant surveys had been undertaken in relation to protected species including – Phase 1 habitat survey, plus additional surveys for bats, red squirrel and great crested newts. Natural England had been consulted and had raised no objections to the proposal subject to conditions.
- Protected trees were largely to be retained, 4 were to be removed due to poor health/ low quality. All the lime trees at the site would be retained, a Method Statement had been submitted for any works within the Root Protection Areas of the retained trees.
- In relation to the Direct Rail Services site (DRS), the railway was over 130m away from the site and the DRS depot being at a further distance. The Nature Reserve lying between the site and the railway would act as a buffer. It was not anticipated that noise and pollution from DRS would affect the site, the Principal Planning Officer noted that there were existing dwellings closer to the DRS site.
- The proposed crossing would be at northern end of site near the existing permissive footpath and would consist of dropped kerbs on both sides of the road. Concerns had been raised about poor visibility, however, the removal of hedges and construction of a 3m footway would improve visibility.

In relation to education, the Section 106 required a developer contribution of £508,000 for primary and secondary school provision. The Principal Planning Officer had sought clarification from Cumbria County Council about education which he summarised. There was currently some capacity available in the catchment area though only in the short term. The intention was to increase capacity as soon as possible by providing a school at Windsor Way as part of the long-term solution for North Carlisle. However, that could only be clarified once Story Homes had made clear its intentions in relation to the delivery of a school at Crindledyke. It was therefore not possible to state when a potential school at Windsor Way would be ready as it was dependent on when development will come forward and the securing of Section 106 monies through the realisation of appropriate triggers within the agreement. The build would not commence until full funding was secured.

Taking into account the birth rate and the housing targets in the Carlisle District Local Plan 2015 – 30, the County Council projected that there were insufficient places across all Carlisle secondary schools, including those located at Brampton and Dalston, which have previously acted as a 'pressure valve' for the City. Discussions were ongoing with the secondary schools in

relation to what solution would be deployed to ensure sufficient capacity. Three schools had declared an interest in expansion: William Howard, Morton and Caldew, with further discussions taking place as to the various options available.

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 condition 3 be amended to require details of the materials to be used be submitted to the Local Planning Authority for approval.
- 3) That conditions be added requiring the details of the following visibility splays be provided to the Local Planning Authority for approval: for the main access, for the 3 driveways onto Kingmoor Road and for the emergency access.
- 4) That should the legal agreement not be completed, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

Ms Godley (Objector) spoke against the application in the following terms: road and pedestrian safety, Kingmoor Road was narrow with poor parking; the location of the proposed crossing was not near local amenities; no traffic plans were in place; the development would generate a further 160 cars in the area; it was not possible for buses to enter the site which was contrary to the Local Plan; the Local Plan stated that developments which cause serious issues that cannot be mitigated would not be permitted; Deer Park field was an essential community asset, the proposal was contrary to the Local Plan and the Council's Green Strategy.

Mr Stordy (Objector) spoke against the application in the following terms: SUDS were designed to deal with flooding, only if their capacity was not exceeded; the submitted Flood Risk Assessment showed peak flood rates of surface water as 19litres/second and clay soils which would be the basis for the micro-drainage and hydro-brake calculations; the Geo-environmental Appraisal carried out by Sirius Geotechnical indicated loamy, easy drain soils to the west of the site with a peak flow rate of 9.41litres/second; water infiltration had occurred in 15 of the bore holes used in the Geo-environmental Appraisal due to various sandy soil conditions; the flow rate indicated by the Geo-technical Appraisal would result in surface water run-off exceeding the capacity of the development in a 1 in 1 year, 1 in 30 year and 1 in 100 year storm event, including the 40% allowance for climate change; the drainage proposal did not meet the Non-Statutory Technical Standards for Sustainable Drainage Systems or sewers for adoption; due to infiltration

not being a feasible method for managing surface water at the site, the run-off would need to discharge into United Utilities piping leading to the attenuation pond, Mr Stordy was not aware of any calculations having been undertaken to assess the impact of an event where peak flow rates were exceeded, but considered that it would impact Kingmoor Sidings where Great Crested Newts had been found.

Ms Duncan (Objector) spoke against the application in the following terms: Deer Park Field was a valued local amenity which benefitted the health and wellbeing of many residents; it was currently an easily accessible site, the loss of the path would adversely impact that; residents in Balmoral Court would be impacted by increased noise and traffic; the cumulative impact of development in the area was significant and would be further impacted by the expansion of activities at the nearby DRS site to 24 hours; the proposal to divert the existing PRoW would increase the distance to access the Nature Reserve; the development was too close to specimens of mature trees some of which were subject of Tree Preservation Order; the proposed translocation of Marsh Orchids was not appropriate as the new location would not be suitable for the species; the proposal offered no gain to the community.

Ms Black (Objector) spoke against the application in the following terms: there was not sufficient school provision in the area to support the development; following the closure of Belah School in 2009/10, 1,900 houses had been given permission for development in the north of the city, but no replacement school had been constructed; other permitted developments (Crinkledyke and Windsor Way) had contributed monies to education provision, but no additional school had been provided.

Cllr Ellis (Ward Member) addressed the Committee in the following terms: the scale of the development was significant and would exacerbate the adverse road safety conditions on Kingmoor Road; there was no way of including the 3m footpath/cycleway near Glen Eagles Drive without the removal of the hedge and a number of trees protected by Tree Preservation Order; school provision in the area was not adequate to meet the needs of the development, Cumbria County Council needed to state what its plans were in relation to the issue; PRoW 109397 must be protected and retained as part of the development, as stipulated in the Local Plan.

Cllr Dr Davison (Ward Member) addressed the Committee in the following terms: she objected to the development on behalf of local residents who had identified the following concerns – traffic, road safety, the need for a proper highways assessment, lack of school capacity, lack of facilities to support walking/cycling to school, noise and fumes from the DRS site; the adequacy of the drainage proposal; the impact of the proposed drainage system on the Nature Reserve; the translocation of Marsh Orchids would endanger their survival; Paragraph 6.43 of the report noted that the scheme provided an open space shortfall of 45%, the links to other open space areas were not sufficient mitigation; the scheme was contrary to policies GI 4 – Open Space, SP 8 – Green and Blue Infrastructure, and Paragraph 173 of the National Planning Policy Framework (NPPF); the development would have a negative impact on the range of biodiversity in the adjacent Nature Reserves, and proposed mitigation measures were not sufficient to lead to a gain; open spaces were vital to peoples' wellbeing.

Mr Wright (Applicant) responded in the following terms:

- PRoW route – Slides were displayed on screen showing: plan of the existing route and proposed diversion route, and the landscaping plan. The diverted route had been put together in conjunction with Cumbria County Council's Public Right of Way Officer who had a duty to the Council to advise on such matters. The proposed diversion route had been selected to utilise green space, protect trees provide an attractive way through the site and

be push/wheelchair accessible. Two connection points from the path to the Nature Reserve had originally been included but had been removed at the request of Carlisle City Council to help with the management of the space. It had not been the Council's intention to retain the PRoW as to do so would reduce the dwelling yield at the site thereby reducing its viability.

- Ecology – Paragraph 6.59 – 6.81 of the Officer's report covered the issue in detail. Natural England were a Statutory Consultee and had indicated no objection to the proposals. Moreover, developers were required to comply with the stipulations of the NPPF in respect of ecology and any works undertaken had to accord with agreed national standards. The proposed attenuation pond would provide additional habitat for wildlife, and Mr Wright advised that the applicant was keen to retain as many species as possible. In relation to the translocation of Marsh Orchids, the applicant's ecologist and landscape architect both confirmed that moving the plants was feasible and that the proposed new location was acceptable.
- Drainage – there were various constraints at the site, the Lead Local Flood Authority preferred not to use underground storage methods, as such the SUDS pond had been included in the scheme as it was sustainable and would increase biodiversity. Both United Utilities and the Lead Local Flood Authority had indicated that they were satisfied with the drainage proposals.
- Education – the current situation with respect to school provision was acknowledged. The Section 106 contributions from this development, along with another scheme in the city provided by the developer meant it had contributed £1.4M to Cumbria County Council for school provision in the district.
- Highway Safety – the design had been developed in response to discussions with the Highway Authority and included visibility splays at the access which exceeded the stipulated requirements. The submitted Transport Statement demonstrated that Kingmoor Road had sufficient capacity to cope with the additional traffic generated by the scheme. A number of objectors to the application had suggested that the traffic assessment had been undertaken at a time when part of the local road network had been closed. Mr Wright stated that was not the case and noted that a further modelling exercise where traffic volume had been increased by 300%. The exercise showed even at that level of capacity, the road network was able to cope.

In addition to the objections submitted, a number of residents had expressed support for the development through social media platforms, and a number of requests to reserve a plot had already been received. Mr Wright provided an overview of the applicant and the plans for the development site.

The Committee then gave consideration to the application.

Councillor Alcroft, having heard in the Officer's presentation Cumbria Wildlife Trust had objected to the proposal, declared a Registerable Interest in respect of the application as she was a member of the organisation. She indicated that she would now not take part in the discussion or voting on the application.

In response to questions from Members, Officers confirmed:

- The government's definition of affordable housing, contained in the NPPF, had been amended in July 2018 to refer to houses sold at 20% below the market value. There were 26 dwellings on the site which complied with that definition. However, the applicant was a low-cost homes developer and their properties were priced accordingly;
- The standard appraisal of the drainage proposals had been carried out by the Lead Local Flood Authority. In relation to the soil type identified in the Geo-environmental, that was at

the topsoil level only, the subsoil was primarily clay which testing had indicated was not appropriate for infiltration, thus the overall run-off rate at the site was 19litres/second. There were a number of trees at the site which provided a safety factor, there were also a number of green areas within the site which would soak up surface water with run-off only coming from hardstanding areas. United Utilities considered the drainage proposal acceptable.

- Highways – The visibility splay for a junction in a 30mph zone was only required to be 43m, a greater distance had been requested by the Highway Authority and the applicant had agreed to provide 60m splays. This request had been made following the production of the report hence the additional conditions recommended by the Principal Planning Officer.
- Crossings – the northern crossing would have increased visibility due to the 3m foot/cyclepath to be provided. The southern crossing would be dealt with via a Section 78 agreement which involved a number of safety audits.
- A condition had been included to ensure that lighting provided at the site would not impact on the wildlife at the Nature Reserve.

Councillor Shepherd, having briefly lost connection to the virtual meeting and missing a section of the discussion advised that he would not take any part in the debate or voting on the item.

Turning to the issue of school provision in the north of the city, a number of Members expressed significant concerns regarding the lack of capacity in existing schools and no information on the creation of a new school. Given the level of development permitted in the north of the city in recent years it was considered that the school situation needed urgently clarifying and action taken to rectify the issue to ensure that those occupying new developments had access to appropriate education provision.

The Development Manager advised that Story Homes had, earlier in 2020, carried out a public consultation regarding Crinkledyke development and the potential for a new school. The work on their application had been delayed due to the pandemic, however, a planning application for the site was expected to be submitted in the near future.

The Corporate Director noted that the issue had been a concern for the Committee for a number of years, she undertook to meet with Officers from Cumbria County Council to discuss the matter.

Councillor Tarbitt declared she was a member of Cumbria County Council and had responsibility for children and young people, she stated that she would abstain from the deferral vote.

A Member moved determination of the proposal be deferred in order that the Committee could be provided with a clear indication of the timing of primary school provision north of the river. The proposal was seconded and following voting it was:

RESOLVED: 1) That determination of the proposal be deferred in order that the Committee could be provided with a clear indication of the timing of primary and secondary school provision north of the river.

2) That the Corporate Director of Economic Development pursue this matter with the County Council.

Councillor Rodgersen left the meeting at 12:01pm

2. Change of Use from former student flat to gym with minor alterations, 18 Maltmill House Bridge Lane, Caldewgate, Carlisle, CA2 5SR (Application 20/0445).

Councillor Alcroft, 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: existing location plan; existing site plan; proposed site plan; existing and proposed floor plan; existing and proposed courtyard plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The application was supported by a Sequential Test which demonstrated that this was the most sequentially preferable site from the city centre. The principle of development was acceptable and would not adversely affect the vitality and viability of city centre. There was appropriate vehicular access to the site and parking within the site. The development was accessible by alternative means of transport and did not raise any highway issues, subject to the imposition of conditions which primarily limits the use of the access to the rear of the site onto Caldew Maltings.

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 development proposed a further two car parking spaces in addition to those already present at the site which the Highway Authority had deemed acceptable. Given the site's location there were other car parks in the vicinity as well as public transport links
- The site access was existing and the small scale of proposed development was such that it would not significantly increase vehicle traffic movements.

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.

3. Erection of single storey side/rear extension to provide extended kitchen, utility and WC, 2 Lyne Close, Carlisle, CA3 0EB (Application 20/0537)

Councillor Birks, having declared a Disclosable Pecuniary Interest in the item, left the meeting and took no part in the discussion nor determination of the item.

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

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

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

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

The meeting adjourned at 12:20pm and reconvened at 2:00pm

4. Variation of Condition 2 (Approved Documents) of Previously Approved application 18/0388 (Proposed new vehicle and pedestrian entrance) to amend alignment of the boundary wall (Part Retrospective), Land adjacent Geltsdale Avenue, Durranhill, Carlisle, CA1 2RL (Application 20/0433).

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

The principle of the access had been approved following the grant of planning permission by the Planning Inspectorate, Cumbria County Council as the Local Highway Authority raised no objection to this application subject to the imposition of conditions. A condition was included within the Decision Notice addressing the issue of the height of the wall requiring that it be lowered. The matter of the Stage 3 Road Safety Audit was assessed in paragraphs 6.13 to 6.15 of the report, the Planning Officer advised Members to be mindful that such a condition was not imposed by the Planning Inspectorate.

Subject to the imposition of a condition requiring the reduction of the height of the wall within the visibility splay, the proposal was considered to be compliant with the relevant planning policies and the Planning Officer recommended it for approval.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The provision of curved walls at the entrance was not in accordance with that approved as part of the original application which had stipulated a stepped alignment. However, the entrance had had been approved by the Planning Inspectorate;
- Following reports of roads planings being dumped at the site the Council's Planning/Landscapes Compliance and Enforcement Officer in conjunction with Cumbria County Council undertook work in relation to the allegations and it was understood that the matter had been resolved;
- Including a condition in the Planning Consent to require a Stage 3 Road Safety Audit did not meet the test for the imposition of a condition and thus had not been included;
- Condition 8 required the applicant to lower the height of the access wall to 1.05m prior to use and within 3 months of the granting of permission.

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.

[The meeting closed at 2:14pm]