

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 15 JULY 2011 AT 10.00 AM

PRESENT: Councillor Mrs Parsons (Chairman), Councillors Bloxham, M Clarke, Craig, Mrs Farmer, McDevitt, Morton, Mrs Riddle, Mrs Rutherford, Scarborough, Mrs Warwick and Whalen (as substitute for Councillor Cape)

ALSO

PRESENT: Councillor Mrs Luckley attended the meeting as Ward Councillor (speaking on behalf of an objector) in respect of application 11/0350 (123 Warwick Road, Carlisle)

Councillor Mrs Prest attended the meeting as Ward Councillor in respect of Application 11/0315 (Land between Longlands and Stonelea, Greenwoodside, Smithfield)

DC.49/11 APOLOGIES FOR ABSENCE

An apology for absence was submitted from Councillor Cape.

DC.50/11 DECLARATIONS OF INTEREST

- Councillor Bloxham declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 10/1116 – Carlisle Lake District Airport. The interest related to the fact that he lived in the Parish of Irthington.
- Councillor Bloxham declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 11/0315 – land between Longlands and Stonelea, Greenwoodside, Smithfield. The interest related to the fact that he used the applicant's brother's garage to obtain petrol and motor repairs.
- Councillor Morton declared a personal interest in accordance with the Council's Code of Conduct in respect of Application 11/0171 – land between Stainton Road and track to Kingsmoor Depot, Etterby Road, Carlisle. The interest related to the fact that some of the objectors were known to him and that he had declared an interest previously.

DC.51/11 MINUTES

The Minutes of the meetings held on 13 April 2011, 15 April 2011, 8 June 2011 (nominations of Chair), 8 June 2011 (site visit) and 10 June 2011 were approved and signed.

The Minutes of the site visit meeting held on 13 July 2011 were noted.

DC.52/11 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Assistant Director (Governance) outlined, for the benefit of those members of the public present at the meeting, the procedure to be followed in dealing with rights to speak.

DC.53/11 CONTROL OF DEVELOPMENT AND ADVERTISING

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

- (1) Erection of a distribution centre (inclusive of air freight and road haulage, and including integrated +3°C chiller chamber, +12°C chiller chamber, workshop and offices) (use Classes B1 and B8), gatehouse, canteen/welfare facilities, landscaping, new access, parking and other infrastructure works (such as auxiliary fire station, package sewage treatment works, fire sprinkler system and electrical substation) and raised and re-profiled runway 07/25, Carlisle Lake District Airport, Carlisle, Cumbria (Application 10/1116)**

The Assistant Director (Economic Development) advised that since the papers were published the applicant had requested that the application be deferred in order for them to obtain and submit further information. In light of that request the Assistant Director (Economic Development) recommended that the application be deferred.

A Member stated that he believed that that was the appropriate decision to enable further information to be provided to ensure that Members were able to make a decision having given due consideration to all relevant information.

The Chairman advised that those who had registered a Right to Speak could do so or defer that right until the application was submitted to a future meeting. All reserved their right to speak at a future meeting.

RESOLVED – That approval of the application be deferred to enable the applicants to obtain further information.

- (2) Creation of a storage compound in association with the development of 30 dwellings previously approved under Planning Permission Reference 10/0508, land between Stainton Road and track to Kingsmoor Depot, Etterby Road, Carlisle (Application 11/0171)**

The Development Control Officer submitted the report on the application, which was deferred at the previous meeting to enable a site visit which took place on 13 July 2011, and outlined the background to the application and described the design and site of the proposal.

The Development Control Officer advised that the application had been advertised by means of a site notice and a notification letter sent to neighbouring properties. As a result 5 letters of objection had been received. The Development Control Officer summarised the grounds for the objections.

The Development Control Officer advised that since the report had been published a petition had been submitted to the Chief Executive requesting refusal of the application.

In overall terms the compound was appropriate to the location and it did not compromise the visual amenity of the area, nor would it detract from the living conditions of any neighbouring properties. Given that the compound was temporary in its nature and would only be required for as long as the adjacent site was under construction, and that it would be located to the rear of a public frontage, it was considered that the proposal would not cause a sufficient demonstrable harm to the visual environment to warrant refusal of the application on that basis. In all aspects the proposal was considered to be compliant with the objectives of the relevant Local Plan policies. Therefore the Development Control Officer recommended that the application be approved.

Mr Ogilvie (Objector) stated that he had several concerns regarding the development. He reminded Members that on the site visit the Members' coach had to pull onto the grass verge to enable a wagon to pass. That indicated that it would be impossible for a wagon to drive directly into the proposed compound without major modifications to the existing road. As no new access was indicated in the proposal Mr Ogilvie queried how the developers proposed to drop off the shipping containers they intended to use as offices. He believed that could only be done by a low loader or crane and that would slow down the traffic. Mr Ogilvie noted that there was no indication of parking spaces within the compound but were advised by Officers that parking issues on Stainton Road and Etterby Road would be lessened by the compound.

Mr Ogilvie queried, as the proposed development was on actively farmed land which was effectively a greenfield site, why it was being considered for development when the land was protected by the Carlisle Local Plan. He queried whether those constraints would be twisted to allow development of the site in conflict of the local planning policy. Mr Ogilvie advised that the developers had already commenced work on the site and asked why that was allowed, querying whether permission had already been given for them to start work.

Mr Ogilvie stated that the compound, the cabins and hoardings were inappropriate to the area and would have a negative impact on the living conditions of the residents and show demonstrable harm to the visual environment and amenity. He stated that the residents of 12 Stainton Road would look onto the double decked cabin.

Mr Ogilvie concluded by stating that he did not believe that 3 year timescale was acceptable and could not be considered as temporary. He added that a petition had been lodged with the planning department that contained 37 signatures that equated

to a 95% objection to the proposal and therefore urged Members to refuse the application.

Ms Lightfoot (Agent) advised that with regard to parking the majority of the vehicles would be parked within the compound. She further advised that the works taking place were regarding drainage for which permission had been granted.

With regard to the timescales Ms Lightfoot explained that the developers expected to be off the site within 2 years subject to the building programme after which the land would be returned to its natural state.

The Planning Manager explained that the application had permitted development rights and therefore the developers were permitted to construct a compound on the site or on adjacent land. The Planning Manager confirmed that he had checked the guidance and that the use of adjacent land was permitted. There was no restriction on the time limit of the compound but there was a condition imposed that would tie the compound into the development and the condition regarding reinstating of the land.

The Committee then gave detailed consideration to the application.

A Member stated that he would wish to see a condition imposed that would ensure that after the last house was completed the compound would be removed and the land reinstated. He believed that if the information regarding Permitted Development Rights had been available sooner residents would not have been given false hope that something could be done by the Committee to prevent the compound being constructed.

The Member further advised that there were difficulties at the site visit with regard to the coach and Members expected that that would happen. Members wanted an assurance that the vehicles that were parked on the road would be parked in the compound along with the materials. The Planning Manager confirmed that Officers had sought clarification on the matter on several occasions and had been reassured that the vehicles would be parked within the compound. He stated that the matter would be enforced under Planning Permission and Permitted Development Rights.

A Member stated that he was opposed to the development from the outset and although he did not attend the site visit he understood that the situation was as expected and that the area was unsuitable. The issue of Permitted Development Rights gave a different perspective to the matter but the Member added that he would remain against the proposal and would vote against approval.

A Member believed that as the application had Permitted Development Rights the application would go ahead and while he had sympathy for the residents, the Member moved approval of the Officers recommendation with conditions as stated in the report.

With the exception of Councillor Morton who voted against the application it was:

RESOLVED – That the application be approved.

(3) Demolition of house, adjoining barn and outbuildings, redevelopment of site for the erection of single block comprising 15 no two bed apartments with dedicated access, off street parking and private amenity space, Skelton House, Wetheral, Carlisle, Cumbria (Application 10/1066)

The Chairman advised Members that the application would be considered with the following item on the agenda (Application 10/1067) as the two applications were linked.

The Principal Development Control Officer submitted the report on the application which was the subject of a site visit on 13 July 2011, and outlined the background to the application and described the design and site of the proposal.

The Principal Development Control Officer advised that the application had been advertised by means of site and press notices as well as notification letters sent to 54 neighbouring properties. In response 18 households had objected to the original and amended plans submitted and the Principal Development Control Officer summarised the issues raised in the letters.

The Principal Development Control Officer advised that 3 further letters of objection had been received since the report had been published and a further letter since the Supplementary Schedule had been received. However, no new issues had been raised.

In overall terms the principle of the proposed development was acceptable. The proposed apartment building could be accommodated on the site without detriment to the living conditions of the neighbouring properties or the character/setting of the Wetheral Conservation Area and adjacent Listed Building. The Principal Development Control Officer advised that the Highway Authority had advised that the parking/access arrangements and the anticipated level of traffic generated by the proposal would not prejudice highway safety. In all aspects the proposals were considered to be compliant with the objectives of the relevant Local Plan policies.

The Principal Development Control Officer presented a photograph that showed a computer generated image of what the proposed development would look like in the context of the neighbouring properties.

The Principal Development Control Officer requested, if Members were minded to approve the application, that authority to issue approval be given subject to the completion of a Section 106 Agreement as set out in the report.

Mr Claxton (Objector) stated that he was speaking on behalf of 5 other people who had registered a right to speak. With regard to the computer generated photograph Mr Claxton did not believe it gave an accurate impression of the impact on the neighbouring properties.

Mr Claxton reminded Members that the report stated that the existing buildings were not obtrusive and did not dominate the street scene. While Mr Claxton agreed he did believe that the scale of the proposal would change the area and the building would become the dominant feature. He added that the 3 bay windows would alter the

symmetry and street scene and would have an adverse impact on the area. Mr Claxton believed that the proposal was in direct conflict with policy H1 that dealt with new housing developments and stated that new developments must ensure that the scale and design were well related which he did not believe was the case.

Mr Claxton reminded Members that Skelton House was in the Conservation Area which ensured a high level of protection for the area. He believed the proposed development was disproportionate to the other buildings and would affect the ambience of the area. Mr Claxton also believed that the proposal was in conflict with policy LE19.

One of the neighbouring properties was a Listed Building and Mr Claxton believed that the proposal was in conflict with LE12 on the grounds that it would affect the Listed Building. He advised that the neighbouring property would be overlooked and the proposed development would have an adverse impact on the character and setting of the building.

The plans indicated that there would be 24 parking spaces provided and Mr Claxton believed that there would be an increase in noise and activity and those visitors would park on the road. Mr Claxton advised that the road was used by residents and was congested at times. He believed that the introduction of a bus lane would worsen the situation. Mr Claxton also believed that the proposal was in conflict with policy LE19 which related to parking.

Mr Claxton advised that it appeared obvious that the proposal was in conflict with restrictive policies. With regard to amenities the report advised that there would be a management company that would employ a private contractor to deal with waste and recycling on a weekly basis. Mr Claxton believed that would cause problems and queried the sustainability of the long term performance of a private contractor. He also believed that the proposed lighting in the car park would have an adverse impact on the street scene and the neighbouring properties.

Mr Claxton stated that the Supplementary Planning Document stated that privacy was essential. He queried whether it related to the proposed development and recommended Members to show caution in respect of the Conservation Area and the neighbouring Listed Building. He believed that there should be a balance and urged Members to refuse the application.

Mr Hall (Objector) stated that residents of Wetheral were not living in the past and most agreed with the redevelopment of the site. However he believed that the proposed development was out of character with the area and not sympathetic to the surrounding buildings as it was too large and too high. Mr Hall also believed the proposed development would cause problems on the highway.

Mr Hall reminded Members that the report stated that Skelton House and the barn were not obtrusive. He believed that if the proposed development went ahead the block would be obtrusive and would be a dominant feature on the street scene.

Mr Hall queried the usefulness of the Conservation Area if it could not protect Listed Buildings such as the neighbouring property. He advised that there had been a

number of developments in the recent past in the Conservation Area but they had retained the original shell and remained in character and with sympathy to the existing properties. Skelton House had been in the village since 1700 and Mr Hall believed that to demolish the building and replace it with the proposed development would not be appropriate. Mr Hall believed that there were flaws in the proposal and urged Members to refuse the application.

Mr Yates (Objector) advised that he was from the Parish Council and was speaking on behalf of the Ward Councillor, Councillor Earp who was not available. He believed that the computer generated photograph gave an unconvincing representation of the proposal. There were concerns about parking provision and Mr Yates did not believe that the number of spaces was in relation to the number of bedrooms in the proposed development as specified in the Supplementary Planning Document.

With regard to the Conservation Area Mr Yates stated that the Conservation Area Advisory Committee had made a considerable contribution to the street scene and he believed that the existing building should be converted if possible. The Parish Council agreed that the site needed to be developed as there had been a number of objections. While the report gave a fair summary of the facts Mr Yates believed that the wrong conclusion had been reached and he urged Members to refuse the application.

Mr Willison-Holt (Agent) stated that he believed that consideration of the application was a matter for objective judgement. With regard to the impact on the area Mr Willison-Holt informed Members that he had consulted with the architect and historic buildings officer and had reached an agreement that they believed had responded to residents, the police, highways agency and the Heritage Officer.

The report outlined what had been agreed and the basis of the design. He stated that there was a varied street scene with some 3 storey buildings and some tall 2 storey buildings which he believed were similar to the proposed development.

Mr Willison-Holt added that the development had been designed using guidance from English Heritage and the Government and stated that the computer generated image gave an accurate interpretation of how the proposed development would blend in with the surrounding properties.

With regard to the site Mr Willison-Holt advised that it was a large site and that the building would be $\frac{1}{4}$ of the footprint of the site with landscaping and parking that would avoid overshadowing of neighbouring properties. While he was aware that parking was a sensitive local issue he advised that experts had been employed to assist the developers in reaching their conclusion.

Mr Willison-Holt explained that there would be a management committee set up to oversee waste collection and recycling and the supervision of the parking spaces, and there would also be a bus clearway. Mr Willison-Holt further advised that there would be a contribution towards play space provision. With the support of the Council's Housing Officer, 3 of the properties would be affordable housing and would therefore contribute to the housing needs of the area.

He reminded Members that the report indicated that the proposals were in all aspects compliant with the objectives of the relevant Local Plan policies and recommended that Members approve the proposal.

The Committee then gave detailed consideration to the application.

In response to a query from a Member the Principal Development Control Officer explained that the materials would be matched to the surrounding properties as indicated on the computer generated photograph. He continued that the lighting in the car parking area would be low level bollard lighting that would have no adverse impact on the surrounding properties. He added that the matter was covered within the report and a condition was recommended to ensure that type of lighting was used.

A Member requested that the facilities for waste collection and recycling be verified. He was disappointed that there had been no consultation with the City Council concerning waste collection and recycling. He believed the weekly collection would add to the highway problems and requested that the developers discuss with the Council a proposed system of waste collection and recycling in line with other properties in the village.

Having visited the site the Member believed that the buildings should be demolished and a better building constructed in its place. However the Member was concerned about the parking arrangements and believed that there would be an increase in the congestion on the highway.

The Member requested that the application be deferred to enable the developers to look at making the design of the building less obtrusive even if that involved losing a couple of apartments. On that basis the Member moved deferral of the application.

The Principal Development Control Officer advised that the developers had acknowledged that the proposed development was large and even if the application was amended and the number of apartments reduced, he did not believe the required outcome would be achieved.

A Member stated that although the site was large he believed that the proposed development would blend with the existing properties adjacent and opposite and moved that the application be approved.

A Member queried whether the rendered areas could be amended to be constructed in sandstone to reduce the obvious appearance of the proposed building.

The Assistant Director (Governance) reminded Members that they were obliged to consider the application before them. However if the application was deferred it would be open to the developer to rethink and remodel the design.

The Member stated that he seconded the proposal to defer consideration of the application and requested that the developer consider that the rendered areas be replaced by sandstone.

A Member suggested that render at the bottom of the building may be less obtrusive. She added that she was surprised at the size of the plot and was surprised that the courtyard at the rear of the site had not been replicated.

The Assistant Director (Economic Development) advised that the application had been given due consideration by the Conservation Officer and that the style was pertinent to the Conservation Area and the use of render and sandstone reflected those properties in the vicinity.

A Member believed that the proposed development would look out of character for the first 2-3 years but would then enhance the village. He believed it was a good development and that a lot of time had been spent on the design. The Member seconded the proposal to approve the application.

The Chairman stated that it had been moved and seconded that the application be deferred to enable the design and finishing to be looked at again, and that it had also been moved and seconded that the application be approved.

Following a vote it was:

RESOLVED – That authority to issue approval be given to the Assistant Director (Economic Development) subject to the completion of a Section 106 Agreement as indicated in the report.

(4) Demolition of house, adjoining barn and outbuildings (Conservation Area Consent), Skelton House, Wetheral, Carlisle, Cumbria (Application 10/1067)

The Chairman advised Members that the application would be considered with the previous item on the agenda (Application 10/1066) as the two applications were linked.

The Principal Development Control Officer submitted the report on the application, which was the subject of a site visit on 13 July 2011, and outlined the background to the application and described the design and site of the proposal.

The Principal Development Control Officer advised that the application had been advertised by means of a site and press notices as well as notification letters sent to 54 neighbouring properties. In response 12 households had objected to the proposals and the Principal Development Control Officer advised that the majority of the objections related to the “Full” Planning Application that preceded the report.

In conclusion the Principal Development Control Officer recommended that the application be approved but only if permission had been granted for the redevelopment of the site in accordance with application 10/1066. If that application was refused the application should also be refused on the grounds of prematurity and the potential adverse impact on the character and appearance of the Wetheral Conservation Area.

RESOLVED – That the application be approved.

(5) Change of use from dwelling to house of multiple occupation, 123 Warwick Road, Carlisle, CA1 1JZ (Application 11/0350)

The Development Control Officer submitted the report on the application and outlined the background to the application and described the design and site of the proposal.

The Development Control Officer advised that the application had been advertised by means of site and press notices as well as notification letter sent to 2 neighbouring properties. In response 8 letters of objection had been received. The Development Control Officer summarised the issues raised in those letters.

In conclusion the Development Control Officer advised that in overall terms the application did not incorporate any external changes to the property, and it was considered that the use of the property was compatible with the surrounding uses and was unlikely to have an adverse impact on neighbouring properties in terms of increased noise, overlooking, loss of light or over dominance. However, it was considered that the proposal would result in the loss of vehicle parking facilities in an area that was already saturated, and would result in inappropriate parking in the area, with a consequent risk of additional danger to all users of the road. As such the application was therefore recommended for refusal.

Councillor Luckley (Ward Councillor) advised that she was speaking on behalf of a resident who was due to speak but was unable to attend. She advised that the main objection was to the proposed increase to the number of Houses of Multiple Occupancy in the area. That would put pressure on car parking which was already a problem. If the application was approved residents who were in family homes had inferred that they would have to consider whether to move or stay in the area. At a residents' meeting it had been agreed that if the application was approved residents would pool resources to legally challenge the decision.

With regard to the parking issues Councillor Luckley advised that residents currently parked on the opposite side of Warwick Road between 6:00pm and 8:30am which had proved dangerous. Some people had parked on the pavement and while it had been promised that white lines would be painted on the pavement they had not been painted. Lismore Place was currently in parking Zone A but the permits were to be withdrawn. That would potentially lead to more cars parking on Warwick Road. Councillor Luckley urged Members to refuse the application and retain the character of the area and the continuance of the Conservation Area.

RESOLVED – That approval of the application be refused.

(6) Change of use of dwelling to house of multiple occupation, 125 Warwick Road, Carlisle, CA1 1JZ (Application 11/0067)

The Development Control Officer submitted the report on the application and outlined the background to the application and described the design and site of the proposal.

The Development Control Officer advised that the application had been advertised by means of site and press notices as well as letters sent to neighbouring properties. In response 17 letters of objection and one "comment" had been received. The Development Control Officer summarised the objections and comments.

The Development Control Officer reminded Members that the application had been deferred at the previous meeting to enable further information to be obtained with regard to traffic issues. There had been no objections from the Senior Highway Engineer and it had been confirmed that there was sufficient space for up to 8 vehicles outside the properties on that side of the road with parking on the opposite side only available between 6:00pm and 8:30am. The nearest parking would be on Howard Place and the Highway Engineer had confirmed that the County Council were currently putting through a Traffic Regulation Order to restrict parking on Lismore Place due to the academy. Approval of the application would result in 1 additional resident and the requirement for 1 additional parking space.

In conclusion the Development Control Officer advised that in overall terms the application did not incorporate any external changes to the property, it was considered that the use of the property was compatible with the surrounding uses and was unlikely to have an adverse impact on neighbouring properties in terms of increased noise, overlooking, loss of light or overdominance. In all aspects the proposal was considered to be compliant with the objectives of the relevant Local Plan policies and the application was therefore recommended for approval.

The Committee then gave detailed consideration to the application.

A Member stated that the Committee had refused an application for the adjacent property on a number of grounds including highway issues and the current application would lead to a potential increase of 1 additional vehicle. The Member respected the Officer's decision but queried the public perception of the Council if the application was approved. He believed that if the application was approved there was the potential for problems now and in the future. Therefore the Member moved that the application be refused.

A Member seconded refusal of the application. He believed that if residents sold their properties they would probably be bought with the intention of converting them to Houses of Multiple Occupancy of at least 7 residences. That would potentially increase the number of vehicles by 14. There was currently insufficient space for the additional vehicle that would result from the additional flat if the application was approved.

A Member stated that he could not see the logic of the recommendation for approval of the application. He agreed that the Committee could not refuse one application then grant approval to a similar one in the adjacent building. He stated that he was aware of the parking situation in the area and it was impossible to park most of the time.

Following a vote it was:

RESOLVED – That approval of the application be refused.

(7) Proposed live-work unit, land between Longlands and Stonelea, Greenwoodside, Smithfield, CA6 6DL (Application 11/0315)

The Development Control Officer submitted the report on the application and outlined the background to the application and described the design and site of the proposal.

The Development Control Officer advised that the application had been advertised by means of a site notice and notification letters had been sent to 3 neighbouring properties. In response 9 letters of support had been received. The Development Control Officer summarised the points raised in the letters. Since publication of the schedule there had been a further 2 letters of support received and a letter from the Parish Council who also supported the application.

In their letter the Parish Council stated that the site was previously a small market garden and was currently a brownfield site that was overgrown and unsightly. The Parish Council believed that the proposed development would have a positive visual impact on the local amenity. The Parish Council explained that Smithfield was a rural development with many properties outside the settlement boundary although they were regarded as residents of Smithfield village. The village itself had only a school and a garage. There was the potential for visitors parking on the highway if the development went ahead but that would not be considered to be an issue. The applicant ran a family business and lived in the area and intended providing employment in the future. The Parish Council stated that the applicant had the support of the community and the Parish Council and urged the Committee to approve the application.

The Development Control Officer presented slides of the site and reminded Members that an application for a dwelling on the site had been refused previously. He advised that the plan in the report was not to scale and that the development was 200m from the edge of the settlement boundary and 450m from the crossroads. He pointed out that the conclusion in the report should read 200m from the edge of the settlement and not 300m as stated in the report.

The Development Control Officer advised that as the proposed development was not within the settlement area of Smithfield and was not a property conversion it was contrary to Local Plan policy EC12. He did not believe the site was within a sustainable location. The Development Control Officer explained that the highway agency were concerned about the lack of facilities within walking distance of the

proposed development and the lack of a bus service to the area. The Planning Inspector had dismissed an application for an earlier development and he also believed that the site was in an unsustainable location and that the development would have an adverse impact on the rural character and open appearance of the area. Therefore the Development Control Officer recommended that the application be refused.

Councillor Prest (Ward Councillor) stated that while she understood the points that had been made she believed that the application made a good deal of common sense. She explained that the applicant wished to live in the area and that the site was currently an eyesore. The Development Control Officer had stated that the site was a greenfield site but the Councillor believed it was a brownfield site.

Councillor Prest explained that Smithfield had a school and a pub but no shop or church. Most of the residents of Smithfield were reliant on a car as there were very few buses to the area. She informed Members that the applicant intended to employ 2 people in his business and that would be considered to be a contribution to the local economy. There would not be a significant increase in traffic as a result of the proposed development. The applicant was a small businessman who currently operated from 3 sites. That was creating more traffic in and out of the village than the proposed development would create. There was also a lot more traffic when the site was a nursery. The road was a quiet road apart from school drop off and pick up times.

With regard to the lack of pavement between the site and Smithfield, Councillor Prest advised that there were areas in Brampton where there was no pavement and reminded Members that the Council had turned down an application to provide a pavement in that area.

Councillor Prest believed that the application was different to the previous application that had been refused and that the applicant would possibly go out of business as there was no alternative site available in the area.

Councillor Prest advised that she and the Parish Council supported the application and asked that the views of the Parish Council be taken seriously.

The Committee then gave detailed consideration to the application.

A Member thanked Councillor Prest for putting the case in support of the application so succinctly. The Member believed that the application was about the community as a whole. There had been significant emphasis on the bus service and the reliance on cars. It was a fact that residents in rural areas had to use cars. The applicant wanted to remain in the area and employ 2 additional people. The Member believed that such rural areas would never be sustainable if businesses were not encouraged and young people encouraged to remain in the area.

The Member moved approval of the application on the grounds of policy EC12 as he believed it would enhance the area. He added that the current application was a different application at a different time to the application that had been refused by the Planning Inspector. Smithfield had a school and a pub and 2 small businesses and

was not a busy environment. The community welcomed the application and the Member believed the Committee should approve the application.

The proposal to approve the application was seconded.

The Assistant Director (Governance) advised that the Committee could delegate authority to issue approval subject to conditions and subject to a Section 106 Agreement if necessary to cover the status of the live/work unit for the future.

A Member reminded the Committee that their role was to make a decision on the application and that the community and Parish Council were in favour of the proposed development. He believed that a lack of bus service was part of country life. The Member advised that he supported the application.

A Member stated that he was encouraged by the local support for the application and agreed that the application should be approved.

A Member believed it was important to grant approval as such a development in a small village was sustainable and would help the small school. He stated that a country businessman would not rely on a bus service in order to obtain work. The Member therefore supported approval of the application.

The Assistant Director (Economic Development) advised that if the application was approved it may set a precedent for similar applications but that a condition could be imposed that would ensure the proposed development was for business use. While Members agreed with that comment they emphasised that all applications were considered on their individual merits.

RESOLVED – That authority to issue approval of the application be granted subject to the completion of a Section 106 Agreement to cover the live/work unit.

(8) Erection of 10m timber effect telegraph pole with omni antenna and ground based equipment, Wheatsheaf Inn, Wetheral, Carlisle, CA4 8HD, (Application 11/0437)

The Development Control Officer submitted the report on the application and outlined the background to the application and described the design and site of the proposal.

The Development Control Officer advised that the application had been advertised by means of site and press notices as well as notification letters sent to 2 neighbouring properties. In response 6 letters of objection had been received. The Development Control Officer summarised the issues raised in those letters.

The Development Control Officer explained that the location of the mast in the proposed location was necessary for coverage in that area. In accordance with PPG8 it would be unreasonable to refuse the application on the basis of the perceived health risks. The siting of the mast was deemed to be acceptable in terms of its position and the proposed design and it was not considered that the mast

would have a significant adverse impact upon the living conditions of local residents or the appearance of the street scene. Therefore the Development Control Officer recommended that the application be approved subject to conditions as set out in the report.

RESOLVED – That approval of the application be granted subject to conditions as set out in the report.

(9) Residential development comprising the erection on 253no dwellings, associated access, parking, engineering works and landscaping, land to the rear and west of Garden Village, Wigton Road, Carlisle, CA2 6QX (Application 10/1026)

The Principal Development Control Officer submitted the report on the application, which was the subject of a site visit on 13 July 2011, and outlined the background to the application and described the design and site of the proposal. He advised that the layout plan reproduced in the schedule was the original version that had since been amended and that the revised layout was shown on the screen. He indicated that the differences related to the attenuation pond and the relocation of the footpath.

The Principal Development Control Officer advised that the application had been advertised by means of site and press notices as well as notification letters sent to 136 neighbouring properties. In response 3 households had objected to the application together with correspondence from 4 other households that offered comments on the scheme. The Principal Development Control Officer summarised the objections and comments. He advised that since the Supplementary Schedule had been produced 2 further letters of objection had been received. Comments had also been received from United Utilities, the Highway Authority, Natural England and Sports England. Both United Utilities and the Highway Authority's comments required modifications to 2 of the proposed conditions. Those modifications were presented to Members. Natural England confirmed that it no longer had objections to the scheme and that an Assessment of Likely Significant Effect should be undertaken to ensure that the construction and subsequent occupation of the dwellings would not adversely affect the River Eden Special Area of Conservation. Sport England had objected to the scheme on the basis that no provision had been made for formal outdoor recreation facilities on the site and that no commuted payment had been made to offer off-site provision.

The Principal Development Control Officer informed Members that in overall terms the principle of the development was acceptable. The dwellings could be accommodated on the site without detriment to the living conditions of the neighbouring properties through loss of light, privacy or overdominance. Adequate amenity space and incurtilage parking provision would be provided to serve the dwellings. The new access to be formed and the anticipated levels of traffic generated by the proposal would not prejudice highway safety. In all aspects the proposal were considered to be compliant with the objectives of the relevant Local Plan policies. Therefore the Principal Development Control Officer recommended that the application be approved subject to the completion of a Section 106

Agreement as set out in the report, and Assessment of Likely Significant Effect and a review of conditions 8 and 15.

The Committee then gave detailed consideration to the application.

In response to a query the Principal Development Control Officer advised that the bus service would travel through Glaramara Drive and around the spine road. The provision of a bus shelter would be covered by the condition as set out in the report.

A Member queried the parking arrangements for the properties. The Principal Development Control Officer explained that most properties would have 2 incurtilage parking spaces with drives and garages while some would have 1 space. He acknowledged concerns about visitor parking and agreed that visitors would park on the road. However, the Principal Development Control Officer did not believe that was sufficient justification to refuse the application.

A Member stated that it had been suggested that cars parking on the road would act as a traffic calming measure. The Member did not believe that situation was satisfactory.

A Member stated that the plans in the report were not clear and it was impossible to determine which were terraced houses and which were town houses. The Member added that in the past the types of houses were indicated on the plans and changed as the development progressed where necessary. The properties had small open plan gardens and it was likely that children would play on the street which would be dangerous. The Member requested clearer plans with the size and type of properties and parking arrangements indicated. The Principal Development Control Officer advised that there was a description of the houses within the report but Members could ask for clarification if necessary.

A Member was concerned about the junction with Wigton Road as visibility was limited due to hedges. As there would be an increase in the amount of traffic using the junction the Member believed it was a dangerous junction. The Principal Development Control Officer advised that a condition was imposed to ensure the required visibility splays were achieved at the junction.

A Member asked for clarification on the comments from the Community Safety Unit. The Principal Development Control Officer advised that the comments related to ensuring that the public and private areas were clearly defined and that the rear gardens were secure and that there was no opportunity for crime to occur.

A Member queried the provision of footpaths within cul-de-sacs. The Principal Development Control Officer advised that the provision varied throughout the estate. A combination of both shared surfaces and footpaths were provided.

A Member stated that he was pleased that 56 houses would be given over to affordable housing and that the cycleway would be extended. He advised that Reays bus company ran a service to The Beeches estate

A Member queried whether there would be a phased adoption of the roads. The Assistant Director (Economic Development) acknowledged the concerns and confirmed that the roads would be adopted as properties were occupied.

A Member was concerned about the lack of recreation provision and referred to the principles of older garden villages such as Letchworth and Welwyn. The Assistant Director (Economic Development) advised that the principle of recreational space was included in the application and that in modern developments there was more pressure to provide parking spaces. The Assistant Director (Economic Development) queried whether the drainage pond was the best use of that area. The Principal Development Control Officer advised that Natural England were concerned about the impact of the rough grassland area. There was a large open space that would be available to all properties for recreation. He also advised that formal recreation was part of the bigger Masterplan and was provided on the opposite side of the road.

A Member queried whether Officers were satisfied that the drainage of surface water in Dow Beck had been dealt with satisfactorily. The Principal Development Control Officer explained that the attenuation tanks would reduce the problem of flash flooding and the discharge into the Beck would be controlled therefore creating less of a problem. He confirmed that the attenuation pond would be constructed before there was any run off from the properties.

A Member queried whether the open area would be retained or built on at a point in the future. The Principal Development Control Officer confirmed that it would be retained.

A Member asked what percentage of properties had garages. The Principal Development Control Officer advised that the application did not provide that level of detail.

A Member was concerned about the size of the properties as it appeared that the ground floor of some of the properties consisted of a kitchen and garage. The Principal Development Control Officer explained that that design was not unusual and there were properties within Carlisle of similar design.

A Member was dissatisfied that some of the recreation areas were on the opposite side of the road. The Principal Development Control Officer advised that there were significant areas to the north, a woodland area and the academy at Morton.

A Member queried whether properties could be constructed with underground garages/cellars. The Assistant Director (Economic Development) advised that that was a matter of economics and if it was appropriate then properties could be constructed that way.

RESOLVED – That approval of the application be approved subject to the completion of a Section 106 Agreement as set out in the report, completion of an Assessment of Likely Significant Effect and the modifications to conditions 8 and 15.

(10) Erection of 3no bungalows and 1no house, land adjacent Garden Village-Caven Close, Wigton Road, Carlisle, Cumbria (Application 10/1141)

The Principal Development Control Officer submitted the report on the application, outlined its background and described the design and site of the proposal. He explained that the development was for 4 houses at the junction of the previous application which the Committee had considered.

The Principal Development Control Officer advised that the application had been advertised by means of a site notice and notification letters sent to 20 neighbouring properties. In response 2 households had objected to the application. The Principal Development Control Officer summarised the objections. The Ward Councillor had also commented on the application.

In overall terms the principle of the development was acceptable. The dwellings could be accommodated on the site without detriment to the living conditions of the neighbouring properties through loss of light, privacy or overdominance. Adequate amenity space and incurtilage parking would be available to serve the dwellings and in all aspects the proposals were considered to be compliant with the objectives of the relevant Local Plan policies. Therefore the Principal Development Control Officer recommended that the application be approved, on condition that permission had been granted for the redevelopment of the remainder of the residential allocation to the rear in accordance with application 10/1026. If that application was refused the application should also be refused on the grounds of prematurity and as there would not be acceptable means of accessing Wigton Road, which would be detrimental to highway safety.

The Committee then gave detailed consideration to the application.

A Member stated that he believed that the buildings were in front of the building line and would cause problems for drivers turning from the estate onto Wigton Road. He also queried why the bus stop would be relocated. He believed it should remain in its original position. The Principal Development Control Officer advised that the houses had been designed in conjunction with the neighbouring development and that the properties were set back and as they were bungalows they would not stand proud of the surrounding properties. The Principal Development Control Officer also confirmed that the bus stop had been relocated as part of the larger development.

RESOLVED – That approval of the application be granted.

(11) Erection of single storey side and rear extension to provide 2no bedrooms, bathroom and extended kitchen and dining room, 33 Mallyclose Drive, Carlisle, CA1 3HH (Application 11/0332)

The Development Control Officer submitted the report on the application, which was deferred at the previous meeting to enable a site visit which took place on 13 July 2011, and outlined the background to the application and described the design and site of the proposal. She reminded Members that several neighbouring residents

had requested that Members view the application site from their properties during the site visit. However at the time of the site visit Members did not believe that was necessary.

The Development Control Officer advised that 6 letters of objection had been received during the consultation period and summarised the issues raised in those letters. The Development Control Officer informed Members that following preparation of the Committee report, several e-mails had been received from objectors with regard to procedural matters, particularly in relation to the right to speak procedure and the petition that had been submitted. The only person who had registered a right to speak had spoken at the previous meeting when the application was deferred by Members and the correct procedure had been followed. The Development Control Officer had also advised Members of the petition at that meeting.

The Development Control Officer explained that questions had also been raised about the intended use of the dwelling. However she reminded Members that the application was solely for a domestic extension and could only be assessed on that basis. The e-mails that had been received went on to reiterate previous concerns with regard to impact of the proposal on the living conditions of neighbouring properties.

In overall terms it was considered that the scale and design of the proposed extension was acceptable. The proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or overdominance. In all aspects the proposal was considered to be compliant with the objectives of the adopted Local Plan policies and approval was recommended.

The Committee then gave detailed consideration to the application.

A Member moved approval of the Officers' recommendation. He had seen on the site visit that the neighbouring properties had single storey extensions and that the highway issues had been covered by the available space at the front of the property. He did not believe that the development would interfere with the appearance of the property or neighbouring properties.

A Member stated that he had found the site visit very useful and that the proposed extension would not encroach on the neighbouring properties. Therefore the Member seconded the proposal to approve the application.

RESOLVED – That approval of the application be granted.

(12) Change of use from dentist to 1no dwelling, 30 Newtown Road, Carlisle, Cumbria, CA2 7JH (Application 11/0481)

The Development Control Officer submitted the report on the application and outlined the background to the application and described the design and site of the

proposal. He explained that the application had been brought before the Committee as the applicant's daughter was employed by the City Council.

The Development Control Officer explained that the application had been advertised by means of notification letters sent to 2 neighbouring properties. No verbal or written representations had been made during the consultation period.

The Development Control Officer advised that the proposal was acceptable in principle and would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties. In all aspects the proposal would be compliant with the objectives of the relevant Local Plan policies. Therefore the Development Control Officer recommended that the application be approved.

RESOLVED – That approval of the application be granted.

DS.54/11 RIGHT TO SPEAK POLICY

The Assistant Director (Economic Development) submitted report ED.22/11 that set out the current administrative arrangements for registering rights to speak at Development Control Committee. It proposed changes to the procedure in order to be more customer focused and make a more efficient use of staff time.

The Assistant Director (Economic Development) outlined the current administrative procedure and the reasons for the proposed changes. She advised that the revised procedure provided a more streamlined, less bureaucratic approach and outlined the particular areas of the policy to be reviewed.

The Assistant Director (Economic Development) presented the draft leaflet that would replace the current handbook if Members agreed to the proposal. She confirmed that people who had registered a right to speak would still have 3 minutes to present their submission and there would be 5 people granted the right to speak.

A Member believed that it was right to amend the procedure as the current information was difficult to understand. He queried whether the suggested timescale for registration was sufficient. The Assistant Director (Economic Development) advised that Officers were comfortable with the suggested timescales and that by registering their attendance on the morning of the meeting that would provide less confusing information for the Chairman at the meeting.

A Member noted that the leaflet contained the dates of the meetings. He queried whether, as it stated that that date was subject to change, that section should be amended to advise that meetings took place every 6 weeks. The Assistant Director (Economic Development) acknowledged the Member's comments and agreed to amend the leaflet. The Assistant Director (Economic Development) confirmed that when people registered their request to speak at the meeting the Officers would notify people making further requests that 5 people had registered. The Assistant Director (Governance) explained that there would have to be a degree of flexibility if necessary and especially if comments were highly relevant to any particular application being considered.

A Member noted that the leaflet referred to speakers leaving a copy of their notes and asked whether that would be included in the revised leaflet. The Assistant Director (Economic Development) confirmed that it could be included.

The recommendation to approve the revised leaflet was moved and seconded.

RESOLVED: 1. That the revised Rights to Speak leaflet be approved.

2. That the recommended amendments to the Rights to Speak scheme be approved with effect from 18 July 2011.

DS.55/11 PLANNING SUMMER SCHOOL – 3-5 SEPTEMBER 2011

The Assistant Director (Economic Development) submitted report ED.23/11 that provided details of the Elected Members' Planning Summer School to be held at Swansea University from 3rd to 5th September 2011.

She recommended that two places should be reserved in accordance with normal practice; and two Members nominated to attend the Summer School.

RESOLVED – That two places be reserved at the Planning Summer School to be held at Swansea University from 3rd to 5th September 2011, and that Councillors Craig and McDevitt be nominated to attend.

[The meeting ended at 12:50pm]