

## **DEVELOPMENT CONTROL COMMITTEE**

**FRIDAY 22 MAY 2020 AT 10.00 AM**

**PRESENT:** Councillor Tinnion (Chair), Councillors Birks, Bradley (as substitute for Councillor Patrick), Brown, Christian, Collier, Mrs Glendinning, Meller (as substitute for Councillor Tarbitt) Morton, Nedved, Rodgerson, and Shepherd.

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

### **DC.031/20 APPOINTMENT OF CHAIR**

The Legal Services Manager indicated that the first item of business was to appoint a Chair for the Committee for the 2020/21 Municipal Year and sought nominations in respect thereof.

It was moved and seconded that Councillor Tinnion be appointed as Chair of the Development Control Committee for the Municipal Year 2020/21.

**RESOLVED** – That Councillor Tinnion be appointed as Chair of the Development Control Committee for the Municipal Year 2020/21.

Councillor Tinnion thereupon took the Chair.

### **DC.032/20 APPOINTMENT OF VICE CHAIR**

The Chairman sought nominations with regard to the appointment of Vice-Chair for the Committee.

It was moved and seconded that Councillor Mrs Glendinning be appointed as Vice-Chair of the Committee for the Municipal Year 2020/21.

**RESOLVED** – That Councillor Mrs Glendinning be appointed as Vice-Chair of the Development Control Committee for the Municipal Year 2020/21.

### **DC.033/20 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Patrick and Tarbitt.

### **DC.034/20 DECLARATIONS OF INTEREST**

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

Councillor Morton declared an interest with the respect to applications:

- 19/0493 – Land to rear of 44 Scotby Road, Scotby, Carlisle, CA4 8BD;
- 19/0936 – 124 Scotland Road/2A Beechwood Avenue, Carlisle, CA3 9BU

The interest related to his professional association with a director of PFK who were representing the applicants.

Item A.1(1) application 19/0748 – Land north of Hurley Road and east of Little Corby Road, Little

Corby, Carlisle had previously been considered by the Committee at its meeting of 14 February 2020. Councillors Bradley, Brown and Meller indicated that they had not been present at that meeting, therefore they would not take part in the discussion nor determination of the application.

#### **DC.035/20 PUBLIC AND PRESS**

RESOLVED – That the Agenda be agreed as circulated.

#### **DC.036/20 MINUTES OF PREVIOUS MEETINGS**

RESOLVED That the minutes of the meeting held on 24 April 2020 be approved.

#### **DC.037/20 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.038/20 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 45no. dwellings (Outline), Land north of Hurley Road and east of Little Corby Road, Little Corby, Carlisle (Application 19/0748).**

The Principal Planning Officer submitted the report on the application which had been considered and deferred by the Committee at its 24 April 2020 meeting in order to allow further consideration to be given to the proposed footpath / pedestrian linkages to the site and potential flooding from the site.

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

The Principal Planning Officer summarised the planning history of the site including: work undertaken in allocating the site for housing as part of the Carlisle District Local Plan 2015 – 30 (Local Plan) including issues of pedestrian links, and flooding; an application for development of the site in February 2017 (including an additional parcel of land) which had been refused, and a subsequent appeal which had been refused. It was noted that during the consideration of the appeal, the Inspector had been of the view that the application site was currently deliverable, subject to the required highway improvements.

The scheme proposed that access to the development would be contained within an extended 30mph zone, to the north of the site on Little Corby Road, which would also comprise a gateway feature to further restrict the speed of vehicles entering Little Corby. The applicant had commissioned speed surveys, data from which was used in the design of the visibility splays at the access which exceeded those required by the Highway Authority.

The width of the Little Corby Road would not be reduced, and a footpath would be provided adjacent to the existing road that would link the site entrance to the kissing gate on Little Corby Road. A condition had been included in the permission requiring the construction details of the road / footway be submitted to the Local Planning Authority for approval.

A further condition had been added to the permission which stipulated that, prior to the commencement of development, a footpath be provided from the edge of the site to Hurley Road, the details of which were to be agreed by the Local Planning Authority.

In relation to flood risk, the applicant had submitted a detailed Drainage Strategy and Flood Risk Assessment. It demonstrated that the development would not increase levels of flooding, rather it would reduce the risk due to the improved drainage on site. The uplift in water retention on site along with an allowance for climate change, through additional water storage and improved drainage would reduce the impact of water flow from this site.

In conclusion, the Principal Planning Officer recommended:

- 1) That the application be approved, subject to the conditions detailed in the report and the completion of a Section 106 Legal Agreement to secure:
  - a) the provision of 30% of the units as Affordable;
  - b) a financial contribution of £171,878 to be paid to Cumbria County Council towards the provision of secondary places;
  - c) a financial contribution of £38,000 to be paid to Cumbria County Council towards secondary school transport;
  - d) financial contribution of £8,505 to upgrade existing off-site sports pitches;
  - e) the maintenance of open space within the site by the developer;
  - f) a financial contribution of £5,500 to enable the 30mph speed limit to be extended and village gateway signage and road marking to be introduced.
- 2) That should the Legal Agreement not be completed, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

The Committee then gave consideration to the application.

A number of Members remained concerned about pedestrian access and the impact of the proposed scheme on highway safety on Little Corby Road. In response to those concerns, the Principal Planning Officer confirmed:

- The proposed footpath would avoid the steepest part of the bank;
- Condition 24 of the permission required the details of path to be submitted to the Local Planning Authority for approval. The condition further required that the path be installed prior to the commencement of the development's construction;
- The visibility splays at the proposed access at Little Corby Road would be 120m to the north and 86m to the south, which was greater than the 60m required by the Highway Authority.

Mr Allan (Cumbria County Council) advised that the pedestrian footpath would be maintained by the developer initially, following completion of the development it may be adopted by Cumbria County Council were it constructed to an appropriate standard.

A Member requested that a condition be added to the permission requiring the path be constructed to an adoptable standard and that an application be made to Cumbria Council for its adoption.

The Corporate Director agreed to the inclusion of the condition.

During discussion a Member moved the Officer's recommendation and the proposal was seconded.

The Chairman asked whether the Walk to School Safety Officer had been involved in the consultation on the application, and if not whether they were able to be consulted on any future

Reserved Matters application. He further requested that a full Safety Audit be carried out as part of any Reserved Matters application.

In response Mr Allan stated that the Walk to School Safety Officer had not been involved with the current application. However, the Highway Authority had raised concerns throughout the application process which had led to the inclusion of conditions in the permission to make the application acceptable.

He further noted that, as part of the current application, a Transport Assessment had been carried out which had considered the impact of the proposed development on the adjacent highway network as acceptable.

The Corporate Director indicated that, should Members deem it necessary, it was possible to add a condition to the permission requiring a full Road Safety Audit be submitted as part of any future Reserved Matters application.

The Chairman sought the views of the Committee on the matter. A majority of Members agreed to the inclusion of the condition.

Responding to a question from the Chairman as to whether the proposed footpath not being sited adjacent to the highway would affect the Safety Audit, Mr Allan advised that the removal of the footpath would be a matter for the applicant. The Highway Authority had no objection to the application in its current form.

The Chairman noted that the Officer's recommendation had been moved and second.

The Legal Services Manager noted that two additional conditions had been requested by the Committee: the adoption of the footpath and a road safety audit, both of which were reasonable and legally enforceable

The Chairman put the Officer's recommendation with additional conditions (the adoption of the footpath and the road safety audit) to the vote and it was:

RESOLVED: 1) That the application be approved, subject to the conditions detailed in the report (including references to the new footpath being provided to adoptable standard and an additional condition requiring a road safety audit) and the completion of a Section 106 Legal Agreement to secure:

- a) the provision of 30% of the units as Affordable;
- b) a financial contribution of £171,878 to be paid to Cumbria County Council towards the provision of secondary places;
- c) a financial contribution of £38,000 to be paid to Cumbria County Council towards secondary school transport;
- d) financial contribution of £8,505 to upgrade existing off-site sports pitches;
- e) the maintenance of open space within the site by the developer;
- f) a financial contribution of £5,500 to enable the 30mph speed limit to be extended and village gateway signage and road marking to be introduced.

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

## **2. Erection of 4no. dwellings, Land to rear of 44 Scotby Road, Scotby, Carlisle, CA4 8BD (Application 19/0493).**

The Development Manager submitted the report on the application which had been deferred by Members at the January 2020 meeting of the Committee for further discussions with the applicant regarding Plot 4.

As a consequence of that deferment amended drawings were received and further consultation undertaken on the application. The Parish Council reaffirmed its original comments on the application and at the time of preparing the report no further comments had been.

Slides were displayed on screen showing: original location and site layout plan; revised location and proposed site layout plan; original layout plan; revised layout plans; plot plans; entrance junction plan; site cross section plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

This revised proposal retained the fourth plot however, its form had been reduced so that its style was similar to those on plots 1 to 3 and it had been moved closer to the internal road layout of the proposed development. The reduced scale of Plot 4 also brought it closer to the other proposed dwellings so that it would sit in an alignment from the end of Hill Head to the north and Alders Edge to the south.

The main issues relating to the proposed scheme were outlined in the report. The Development Manager stated that the photographs taken of the site over the last couple of years gave an understanding of the concerns of neighbours due to the changes that had taken place. Nevertheless, the site was a garden area, albeit an extensive one, and previous Planning Consent had established the principle of development at the site.

During the determination of the earlier proposals Members had expressed concerns about whether the development extended into open countryside. The Development Manager was of the view that site felt like a domestic lawn with tree and hedge lined boundaries. The current proposal had reduced the scale of Plot 4 with the land to the west continuing its use as a domestic garden.

Members were made aware of a recent appeal in Scotby on a site which had been dismissed previously on appeal for extending development into the countryside. That development was now granted as the Planning Inspector considered the nature of the area had changed and in their opinion was now part of the settlement. The Development Manager noted that without defined settlement boundaries the matter was a subjective judgement for Members, however he was of the view that the site related well to the form of Scotby.

Following publication of the report, further correspondence had been received regarding the potential for nuisance from dust or noise to neighbouring properties should permission be granted. Condition 5 related to a Construction Management Plan and it was usual for all aspects of nuisance to be covered in such a plan. However, as that was not specified in the condition text and for the avoidance of doubt it was recommended that the condition be revised with the addition of wording to include reference to measures to mitigate noise and dust pollution.

In conclusion, the Development Manager recommended that the application be approved, subject to the conditions detailed in the report, with the revision of condition 5 to include reference to measures to mitigate noise and dust pollution.

Dr Brader (Objector on his own behalf and on behalf of Mrs Holliday) spoke against the proposal in the following terms: the submitted amendments did not address the issues of scale and

encroachment into the countryside; the proposal was at odds with the stipulation on the Outline Permission that development be restricted to one dwelling and as such was not compliant with Local Plan policy HO 3 – Housing in Residential Gardens; the lower areas of the site were liable to flooding and the development would exacerbate that; car parking provision associated with the scheme would have a significant impact on the environment and the living conditions of neighbouring properties; the access arrangements set a dangerous precedent for Scotby Road; the use of fencing at the boundary was not in keeping with adjacent properties where hedges were common; Wetheral Parish Council had objected on design matters.

Ms Lightfoot (Agent) responded in the following terms: the site benefitted from outline planning permission and was in a sustainable settlement which offered a range of services; the brownfield site was well contained within existing landscape features; the proposed dwellings met the minimum separation distances required by Council policy, had well proportioned gardens and used a mix of vernacular and new design materials; Plot 4 had been redesigned at a smaller scale and had been relocated closer to the other units; the proposal would create high value properties which would support the Council's housing and economic offer; no objections had been received from technical consultees.

The Committee then gave consideration to the application.

Regarding the loss of wildlife habitat, a Member asked whether the Committee was able to impose any mitigation measures.

The Development Manager responded that it was only possible to protect habitat where regulations made such a provision, for example Tree Preservation Orders and Sites of Special Scientific Interest species or, locally designated wildlife sites: none of which had been applied to the application site. The Wildlife and Countryside Act made provision for other authorities to pursue habitat protection measures, but they were outwith the planning process.

The Member asked how the Outline Permission related to the current application.

The Development Manager stated that the Outline Permission had been granted for the red line boundary of the site, with no details other than access being approved at that stage. The current application was for Full Planning Permission and was not dependent on the Outline permission, excepting the principle of development and the access arrangements. Members needed to consider whether the proposed scheme was acceptable, as submitted, in the context of the relevant planning policies.

Considering the road within the development a Member asked: whether vehicles would be able to turn at the eastern side of the site which did not have a hammerhead, and: whether refuse collection vehicles would be able to access the road.

The Development Manager advised that the visitor parking spaces at the eastern end of the site would allow vehicles to turn. Refuse collection vehicles would not need to access the site as refuse collections points were to be provided adjacent to the access to the site where residents would deposit their receptacles.

A Member expressed concerns about flood risk at the site, he asked whether options for drainage (other than discharge into the Pow Maugham Beck) had been considered.

The Development Manager explained that conditions within the permission required the submission of details of the methods of drainage (both foul and surface water) be submitted to the Local Planning Authority for approval. He added that discussions on the matter had commenced with both the Lead Local Flood Authority and United Utilities. It was feasible for foul

drainage to be pumped from the site, connecting to the mains drainage on Scotby Road, that would not be possible for surface water drainage. Other matters for consideration were the use of sustainable drainage methods which may include water storage mechanisms on site.

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 within the Schedule of Decisions attached to these minutes.

**3. Change of Use from Retail (Class A1) to hot food takeaway (Class A5), 124 Scotland Road/2A Beechwood Avenue, Carlisle, CA3 9BU (Application 19/0936).**

The Development Manager advised the Committee that the application had been withdrawn.

RESOLVED – That it be noted that the application was withdrawn.

**4. Erection of 5no. dwellings (Reserved Matters Application Pursuant to Outline Approval 16/1038), Land north of Rockcliffe School, Rockcliffe, Carlisle, CA6 4AH (Application 20/0091).**

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

Outline Planning Permission was granted for the site in February 2017, the current proposal was a Reserved Matters application which sought approval for the layout, scale, appearance, access and landscaping. The Principal Planning Officer considered the scale and design of the proposed dwellings, which incorporated a range of features, to be acceptable

The proposed development would be served by a new access from the C1016 which was in the same place as shown in the outline application. A condition of the Outline Permission required the C1016 to be widened to 5.5m in the vicinity of the site and visibility splays of 70m in both directions to be provided. The Highway Authority had no objections to the proposed access.

Concerns regarding flooding and drainage had been raised by objectors and the Parish Council. The Principal Planning Officer advised that drainage was not a matter for consideration in the current application. Conditions had been included in the Outline Permission which required details of surface water drainage to be agreed with the Local Planning Authority, it was noted that those conditions had recently been discharged.

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

The Committee then gave consideration to the application.

Concerns were expressed by some Members regarding the lack of a pedestrian footpath from the proposed scheme to the village and school.

The Principal Planning Officer advised that matters relating to the provision of a footpath from the site to the school had been determined during the Outline application and therefore did not form part of the current application. Should Members wish for such provision to be made an informal request may be made to the applicant, however, the Committee was not able to insist that a footpath be created.

Mr Allan added that Cumbria County Council had considered the issue, but the widening of the highway negated the provision of a footpath from the development.

A Member noted that there were a number of trees at the site, she asked what protection they would be afforded in the future.

The Principal Planning Officer explained that the maintenance and retention of trees would be a matter for individual property owners. Given their positions within the site they contributed to the privacy of each dwelling, therefore it was likely they would be retained. Were Members to require it, a Tree Preservation Order assessment was able to be carried out.

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

Responding to concerns from Members on the proposed design of the dwellings, the Principal Planning Officer noted that the materials to be used were required, by condition, to be submitted to the Local Planning Authority for approval. On balance he considered the proposed design acceptable.

A Member stated that she considered that she did not have sufficient information to determine the application. She requested that the matter be deferred in order for video footage to be prepared, in lieu of a site visit. The proposal was seconded.

The Legal Services Manager stated that it was important that all members of the Committee felt they had all the information they required to determine the application. She noted that the Officer's recommendation had been moved and seconded, along with a proposal to defer the application, and advised that the deferral proposal be considered first.

The Chairman put the proposal to defer the application to the vote; the numbers for and against being equal, the Chairman used his casting vote and it was:

**RESOLVED:** That the application be deferred in order to allow a video of the site to be produced (in lieu of a site visit due to Covid-19 restrictions) and to await a further report on the application at a future meeting of the Committee.

[The meeting closed at 11:57pm]