

## **DEVELOPMENT CONTROL COMMITTEE**

**FRIDAY 19 FEBRUARY 2021 AT 10.00 AM**

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

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

### **DC.016/21 APOLOGIES FOR ABSENCE**

An apology for absence was submitted on behalf of Councillor Nedved.

### **DC.017/21 DECLARATIONS OF INTEREST**

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

Councillor Christian declared an interest in respect application 20/0867 – Paton House, 9 Victoria Viaduct, Carlisle, CA3 8AN. The interested related to predetermination through participation in discussions and decision making relating to the site, in his capacity as a member of the Council's Executive.

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

### **DC.018/21 PUBLIC AND PRESS**

RESOLVED – That the Agenda be agreed as circulated.

### **DC.019/21 MINUTES OF PREVIOUS MEETINGS**

RESOLVED - That the minutes of the meetings held on 8 January 2021 and 17 February (site visits) be approved.

### **DC.020/21 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS**

The Corporate Director of Governance and Regulatory Services set out the process for those Members of the public who had registered a Right to Speak at the Committee.

### **DC.021/21 CONTROL OF DEVELOPMENT AND ADVERTISING**

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

**1. Erection of 14no. Dwellings, Land at field 3486, Monkhill Road, Moorhouse, Carlisle (Application 19/0244).**

The Chair advised that due to a number of matters not having been resolved, that the application be withdrawn from discussion.

RESOLVED – That the item be withdrawn from discussion.

**2. Erection of 4no. Dwellings (Outline), Land to the north of Station View, Station Road, Cumwhinton, Carlisle, CA4 8DL (Application 20/0088)**

The Principal Planning Officer submitted the report on the application which had been the subject of a virtual site visit by the Committee on 17 February 2021. Slides were displayed on screen showing: location plan; block plan; access plan and, photographs of the site, an explanation of which was provided for the benefit of Members.

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.

In response to questions from Members, Officers confirmed:

- The speed survey had been undertaken in September 2020 when Covid 19 pandemic restrictions were less stringent. The survey had been carried out over a Monday – Friday timescale to take into account peak and non-peak traffic flows;
- The required visibility splays for the scheme were less than those ordinarily imposed in a 30mph speed restriction area, the reduced visibility splays were deemed acceptable on the basis of the speed survey findings;
- The scale of the proposed scheme did not warrant the installation of additional traffic calming measures, highway signage or upgrading of the footpath network;
- The woodland strip was outside the applicant's ownership, consideration may be given to the imposition of a Tree Preservation Order to protect the trees. A condition had been included in the Consent requiring measures to be implemented to protect the trees during the construction phase of the development;
- The layout of the scheme was a Reserved Matter and did not form part of the current application, the submitted layout plan was indicative only and therefore subject to change;
- The Committee were able to impose a condition restricting the number of dwellings developed at the site and the scale of the dwellings e.g. limiting them to single storey;
- It was unlikely that the existing Public Right of Way (PRoW) within the site would be re-routed as that would reduce the space available for development.

A number of Members expressed concern that 4 dwellings amounted to over development of the site which would negatively impact the residential amenity of neighbouring properties and highway safety. Following discussion, it was considered 3 dwellings was a more appropriate level of development for the site.

In considering the matter of the wooded strip, the Committee was of the view that the protection of the trees therein was necessary and requested that a condition be added to address the matter.

Further to a request from a Member that road markings and a secure walkway be provided as part of the scheme, the Principal Planning Officer undertook to liaise with the Highway Authority

on the matter, as that organisation had not requested such provision in its response to the application.

A Member moved:

- a) the Officer's recommendation, along with the imposition of conditions:
  - i) restricting the number of dwellings at the site to 3;
  - ii) requiring the implementation of measures to protect the trees contained within the wooded strip.
- b) That the Principal Planning Officer liaise with the Highway Authority in respect of the provision of road markings and a secure walkway on the highway adjacent to the site.

The proposal was seconded and, following voting it was:

RESOLVED: - 1) That applications be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes.

2) That the following additional conditions be included in the permission:

- that the number of dwellings at the site be restricted to 3;
- that measures to protect the trees contained within the wooded strip be implemented.

3) That the Principal Planning Officer liaise with the Highway Authority in respect of the provision of road markings and a secure walkway on the highway adjacent to the site.

### **3. Erection of 1no. Dwelling, Land to the rear of The Hollies, Thurstonfield, Carlisle, CA5 6HD (Application 20/0388)**

The Planning Officer submitted the report on the application which had been the subject of a virtual site visit by the Committee on 17 February 2021. Slides were displayed on screen showing: location plan; proposed site plan; elevation plans; floor plans and photographs of the site, an explanation of which was provided for the benefit of Members.

Were the application to be approved, a condition had been recommended by the Highway Authority requiring the wall along the frontage of the application site to be reduced to 1.05 metres. The matter would require a separate application for Listed Building Consent.

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

Mr Greig (Objector – on behalf of Ms Walker and Mr Reay) spoke against the proposal in the following terms: the proposal was contrary to paragraph 5.25 of Local Plan policy HO 3 – Housing in Residential Gardens as the future occupiers of The Hollies would have a substandard level of privacy due to the proximity of passing vehicles and pedestrians; the Highway Authority had initially objected to the proposal which had been withdrawn following the submission of visibility splay; the submitted plan detailing the splays was incorrect in respect of the depth of the eastern pavement meaning that the splay could not be achieved without crossing land in the ownership of a third party, that land included an existing wall of a height that was not permitted within the splay; the position of the proposed dwelling was over dominant in relation to Birch House; the proposal necessitated the loss of 20 trees within the site and the dwelling did not comply with the separation distances required in relation to remaining tree and hedgerows which was contrary to Local Plan policies GI 3 – Biodiversity and Geodiversity and GI 6 – Trees and Hedgerows.

Mr Grey (Applicant) responded in the following terms: the application had been discussed with neighbours and some amendments had been made to the proposed scheme based on the feedback received; the location of the proposed dwelling and its design had been considered so that the property would sit well within the site; the proposal would contribute to the vitality of the village; the scheme did not require 20 trees to be removed from the site; the visibility splays would ensure highway safety.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The applicant and Highway Authority had been in discussions regarding the visibility splays. The width of the pavements had been measured by the Planning Officer and the finding of the planning consultant were not disputed, however, it was an existing access and the Highway Authority had raised no objections, subject to the wall on eastern boundary being 1.05m high, which was confirmed by the Highway Authority representative;
- Any works to the wall at the eastern boundary of the site would be subject of a separate Listed Building Consent application;
- Condition 4 required the submission of a Construction Management Statement, which would limit the size of vehicles permitted to access the site, thus protecting the clay dabbin barn adjacent to the application site;
- The ownership of the boundary wall was shared between the applicant and a third party, a condition had been included, requiring the access road to be surfaced which would help to protect the boundary wall;
- Were the application to be approved a number of shrubs would be removed from the site, the work would be undertaken outwith the bird breeding season.

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

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

#### **4. Demolition of Building, Paton House, 9 Victoria Viaduct, Carlisle, CA3 8AN (Application 20/0867).**

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

The Principal Planning Officer submitted the report on the application, which had been the subject of a virtual site visit by the Committee on 17 February 2021. Slides were displayed on screen showing: site location plan; land ownership plan; ownership boundary site plan; block plan; proposed block plan; proposed 3D view plan and, photographs of the site, an explanation of which was provided for the benefit of Members. 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.

In response to questions from Members, Officers confirmed:

- A condition had been included in the Consent requiring a photographic record of the site to be undertaken prior to the building's demolition;
- All tenants who had previously operated from the building had secured new premises for their businesses.

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

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

*During consideration of the above item, Councillor Birks lost connection to the virtual meeting and took no part in the discussion nor determination of the items 4, 5 and 6.*

*The Committee adjourned at 11:24am and reconvened at 11:38am.*

**5. Erection of 2no. detached dwellings (Outline/Revised application), Land adjacent to Carwinley, Durdar Road, Carlisle, CA2 4SB (Application 20/0844)**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan, block plan and photographs of the site, an explanation of which was provided for the benefit of Members. The Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

In response to a question from a Member, the Planning Officer confirmed that the road adjacent to the site was classed as unadopted highway and was therefore a civil matter out with the planning process.

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

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

**6. Residential Development (Outline) (Revised Application), Land adjacent to Shortdale Cottage, Tarraby Lane, Tarraby, Carlisle, CA3 0JT (Application 20/0692).**

The Development Manager submitted the report on the application which had been the subject of a virtual site visit by the Committee on 17 February 2021. Slides were displayed on screen showing: site location plan; site layout plan; Public Right of Way plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The application sought Outline Permission and was a revision of a planning permission granted in October 2019. An indicative layout had been submitted with the application, however, that plan would not be included in the Decision Notice, therefore the number of units was not restricted to the four shown therein. In order to control the number of dwellings on the site it would be advisable to restrict their number by the use of a planning condition based on consideration of the potential impacts of the proposed development.

The Highway Authority considered that the installation of two passing places would sufficiently deal with any potential vehicle conflicts along Tarraby Lane. Subject to planning conditions

stipulating that requirement and other conditions relating to access requirements and parking/turning of vehicles it had no objection.

In conclusion, the Development Manager recommended that the application be approved subject to the conditions detailed in the report.

Ms Titterington (Objector) spoke against the application in the following terms: approving the application would create a number of highway safety issues – increased vehicular movements on a narrow winding roads, the potential for vehicles (including agricultural and HGVs) to have to reverse large distances when meeting other vehicles, damage to the road surface and drainage infrastructure as a result of use by heavy vehicles; the proposed two passing places were insufficient; Tarrbay lane was well used by pedestrians and horse riders, increased traffic use would have a negative impact on their safety; the increase in the number of proposed dwellings meant plots were closer to the road; a highway report had been produced approximately 3 years ago, a current one was needed.

Mr Hutchinson (Objector – on behalf of Mr R MacDowall) spoke against the application in the following terms: approving the application would set a precedent for the future development of the remaining land at the site; the lack of detail submitted in relation to drainage may mean the Council having to accept a less preferential system based on the Cumbria Design Guide and SUDS Manual, the lack of detail meant that the Committee was not in position to determine the application; the form of the proposed scheme was in contrast to the rural character of the area and was therefore not accord with Paragraph 127 of the National Planning Policy Framework; the scheme would overwhelm two existing properties; Tarraby Lane linked to a number of other local footpaths and was a popular public amenity, as such there was a need to safeguard its rural nature; the increased vehicular movements would have a negative impact on highway safety; the application was contrary to Local Plan policies – SP 6 – Securing Good Design, SP 8 – Green Infrastructure, and SP 9 – Healthy and Thriving Communities.

Mr Nicholson (Stanwix Rural Parish Council) spoke against the application in the following terms: the site was no longer part of the allocated site U10 and its orientation had rotated 180° as such its impact on the Tarraby Conservation Area was different; the location of the site meant that it was effective akin to being in or adjacent to the Conservation Area making its impact thereon a material consideration; the proposed 4 dwellings would significantly increase the number of vehicles using Tarraby Lane, which was contrary to Local Plan policy HE 7 – Conservation Areas; the development would have a detrimental impact on Tarraby Lane due to increase vehicular movements – the Highway Authority response acknowledged the potential for increased traffic to create potential conflicts with other road users including pedestrians and horse riders; the proposed mitigation of providing two passing places would only lessen the issue it would not resolve it; the conditions requiring the provision for a vehicle turning area within the site and the provision of passing places on Tarraby Lane ought to be implemented prior to the commencement of the development; the proposed passing places ought to be constructed so as to allow them to be used by construction traffic; the application should be refused to enable the extant Outline Permission for 2 dwellings to be brought forward.

Mr Greig (Agent) responded in the following terms: the site was allocated in the Local Plan and was subject of an extant Outline Permission for two dwellings, thus the principle of development was accepted; the extant earlier granted permission formed the “fallback position” which was a material consideration in the determination of the current application; the indicative plan clearly demonstrated the site was able to accommodate 4 dwellings, Members had to consider whether the increased number of dwellings, over those already permitted at the site, rendered the

proposal non-compliant with planning policy; the principle issue relating to the scheme was acceptability of the increase in vehicle movements, the Highway Authority had stipulated conditions including the provision of two passing places on Tarraby Lane, but had not objected to the application.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The Outline nature of the application meant that the number of dwellings to be constructed was not defined. The Committee may impose a condition to restrict the number of dwellings, should Members consider it necessary to make the development acceptable;
- The extant Outline Permission constituted the fallback position, as the current application was similar to the previous permission there were very limited planning grounds on which to base refusal;
- The Highway Authority had requested a condition requiring the provision of two vehicle passing places on Tarraby Lane as it considered that number sufficient for the scale of the proposed development;
- Proposed condition 5 required the details of the passing places to be provided prior to the commencement of construction, Members had the option of amending the condition to require the installation to take place prior to construction.

In the context of Local Plan policy IP 2 – Transport and Development a Member considered that the scheme ought to be limited to two dwellings. He moved the Officer's recommendation along with imposition of a condition restricting the development to two dwellings. The proposal was seconded.

The Committee then discussed the matters relating to the timely provision of the two passing places and the provision of a vehicular turning area within the application site. The following additional conditions were proposed: that condition 5 be re-worded to require the provision of the passing places be implemented prior to construction and that a turning space for vehicles be provided within the application site. The mover and the seconder of the motion to approve the application agreed to the insertion of the additional conditions and following voting it was:

RESOLVED: 1) That applications be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes.

2) That the following additional conditions be included in the permission:

- that the development be restricted to two dwellings;
- that condition 5 be re-worded to require the provision of the passing places be implemented prior to construction;
- that a turning space for vehicles be provided within the application site.

*Councillor Birks re-joined the meeting.*

## **SCHEDULE B**

The Development Manager submitted the report which detailed other planning decisions taken within the district.

RESOLVED – That the report be noted.

[The meeting closed at 12:53pm]