

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 11 SEPTEMBER 2020 AT 10.00 AM

PRESENT: Councillor Tinnion (Chair), Birks, Christian, Collier, Meller, Morton, Nedved, Shepherd and Dr Tickner (as substitute for Councillor Brown).

OFFICERS: Development Manager
Legal Services Manager
Principal Planning Officer
Planning / Landscapes Compliance and Enforcement Officer
Mr Allan – Flood Development Officer, Cumbria County Council

DC.075/20 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Brown, Glendinning, Rodgers, Whalen, and the Corporate Director of Economic Development.

DC.076/20 DECLARATIONS OF INTEREST

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

Councillor Morton declared an interest in respect of application 20/0452 – Land at Capon Tree Lodge, Capon Tree Road, Brampton, CA8 1QL. The interest related to a relative of his living in a nearby property.

Councillor Meller declared an interest in respect of application 20/0452 – Land at Capon Tree Lodge, Capon Tree Road, Brampton, CA8 1QL. The interest related to objectors being known to him.

Councillor Tinnion declared an interest in respect of application 20/0452 – Land at Capon Tree Lodge, Capon Tree Road, Brampton, CA8 1QL. The interest related to an objector being known to him.

DC.077/20 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.078/20 MINUTES OF PREVIOUS MEETINGS

RESOLVED – 1) That it be noted that Council, at its meeting of 8 September 2020, received and adopted the minutes of the Development Control Committee meetings held on 17 June (site visits), 19 June and 17 July 2020.

2) That the minutes of the meetings held on 14 August and 9 September 2020 (site visits) be approved.

DC.079/20 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.080/20 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 1no. Dwelling (Outline), Land at Capon Tree Lodge, Capon Tree Road, Brampton, CA8 1QL (Application 20/0452).

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

The Principal Planning Officer submitted the report on the application which had been subject of a virtual site visit by the Committee on 9 September 2020.

Slides were displayed on screen showing: location plan; schematic showing the application site boundary, previously refused applications and protected trees; indicative site plan; as proposed site plan visibility splays, 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.

Mr Young (Objector) spoke against the proposal in the following terms: the lane adjacent to the application site was only 2.5m wide and was used by a variety of vehicles including agricultural machinery and those associated with the nearby electricity substation; the existing users of the lane, both pedestrian and vehicles were often required to move onto the verge to allow safe passage; the proposed entrance was at the straightest and fastest part of the lane; the proposed access point would lead to noise, fumes and light pollution affecting the property opposite the application site; it would impact the privacy of existing properties in the area; the proposal was a random house in a random area which would result in overlooking of existing properties and the loss of a number of trees; the proposal was not in accordance with Carlisle District Local Plan policy H0 3 – Housing in Residential Gardens, as it would result in an unacceptable loss of living conditions to residents in neighbouring dwellings.

Mr Young displayed slides on screen showing a range of vehicles and pedestrians travelling on Quarry Lane and actions needed to negotiate passage around each other.

Mr Clark (Objector) spoke against the application in the following terms: the lane which would provide access to the proposed dwelling was single width with a steep bank on the north side and deep ditch to the south side; the lane was used by a variety of large and heavy vehicles and the current proposal would have a negative impact on the safety of the lane; the Highway Authority had previously conducted a survey of the lane, however, Mr Clarke was not certain that the survey had been conducted in the right area and he suggested that the Committee consider requesting a further survey of the lane.

Mr Clark displayed slides on screen showing views of the application site from an adjacent property.

Mr Caldwell (Objector) spoke against the application in the following terms: the proposed dwelling would cause a significant loss of privacy to his own property due to overlooking; the proposed 8ft height of the hedge would not be easy to maintain; the application site was on unstable ground as evidenced by a number of fallen trees; the adjacent land which would be used for vehicular access was already unsafe; the dwelling would impact all existing properties on the lane, except that of the applicant; the proposed access arrangement were very steep and would result in a sudden emergence on to the lane; there was no existing drainage in the lane, and the proposed access would cause flooding to occur; Brampton Parish Council and twelve local residents had objected to the proposal. Mr Caldwell asked why the applicant had not chosen to site the proposed dwelling adjacent to their existing dwelling.

Mr & Mrs Heslop (Applicants) responded in the following terms: a site visit had been carried out by the Officer which indicated that the proposed dwelling would only view the rooftops of properties on Quarry Bank; surface water drainage would be managed and contained within the site; the proposal required the removal of one tree, there was no intention to remove any hedge; the sub soil at the site was primarily sand; the width of the adjacent lane was greater than 3 metres and the ditch was some distance away so would not be affected by the proposal; consideration was given to siting the proposed dwelling adjacent to the applicant's property but was rejected on the grounds of steeper access for vehicles to/from a busier road and greater visual impact on the adjacent property.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- Condition 19 related to the management of construction traffic, it required the provision of the access, vehicle turning and parking areas prior to the construction of the dwelling, thus vehicles would not park on the adjacent lane. The Highway Authority was satisfied that the condition provided sufficient mitigation;
- Once the construction phase was complete, the increase of traffic using the lane would be minimal;
- Access to the site from Capon Tree Road had been rejected due to the steepness of the site and the requirement to remove a number of Tree Preservation Order protected trees;
- Surface Water Drainage - Condition 16 required a drain be provided at the access to prevent run-off on to the lane. A soakaway within the application site would manage surface water therein, Cumbria County Council as Lead Local Flood Authority would assess the systems to ensure that they were adequate;
- There was no streetlighting in the adjacent lane;
- The current application sought permission for the scale of the proposed dwelling. The submitted Indicative Plan showed a dormer bungalow at the site being 16.3m long and 10m wide, were the application to be approved, the constructed dwelling would need to comply with those dimensions. Appearance was a matter to be considered as part of any future Reserved Matters application;
- Condition 2 required the submission of landscaping details for approval by the Local Planning Authority. The Principal Planning Officer was aware of the importance of hedges and trees being retained, and new planting provided to minimise visual impact, provide screening for adjacent properties and retaining the existing visual character of the area;
- A small area of hedge would be removed to provide access for parking and vehicles during the construction phase of development;
- In addition to any planning permission being granted, the proposed dwelling would be required to comply with Building Regulations. Officers in the Council's Building Control

team would consider issues such as foundations, the slope of the site etc and would ensure that the constructed dwelling adhered to the relevant standards.

A Member expressed concern that further development may take place at the site in future, he requested that an additional condition be imposed limiting the development to one dwelling.

The Principal Planning Officer advised that the condition would only apply to the application site and would not apply to the wider plot owned by the applicant. He undertook to include it in any permission granted.

A Member moved the Officer's recommendation. The Member seconding the proposal requested that a condition be added limiting development at the site to a single dwelling. The Committee indicated its agreement, and following voting it was:

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

DC.81/20 PUBLIC AND PRESS

RESOLVED – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in the paragraph number (as indicated in brackets against the minute) of Part 1 of Schedule 12A of the 1972 Local Government Act.

DC.082/20 QUARTERLY REPORT ON PLANNING ENFORCEMENT

The Planning/Landscapes Compliance and Enforcement Officer submitted report ED.33/20 – Quarterly Report on Planning Enforcement which set out details of a number of enforcement case being dealt with by the Council and analysis of quarterly and annual figures. She provided a verbal update on progress regarding several of the cases therein.

The Committee gave consideration to a number of enforcement cases set out in the report.

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

RESOLVED – That the report be noted.

[The meeting closed at 11:06am]