



## Development Control Committee

**Date:** Friday, 22 October 2021

**Time:** 10:00

**Venue:** Cathedral Room

**Present:** Councillor Nigel Christian, Councillor Mrs Christine Finlayson, Councillor Keith Meller, Councillor David Morton, Councillor Paul Nedved, Councillor David Shepherd, Councillor Christopher Southward, Councillor Raymond Tinnion  
Councillor Lisa Brown (for Councillor Miss Jeanette Whalen)

**Also Present:** Councillor Bainbridge (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 21/0314 - Land off Orton Road, Carlisle.

Councillor Dr Davison (in her capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 21/0657 - 11 Newfield Park, Carlisle.

Councillor Betton (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 21/0313 - Land off Warwick Road, Carlisle.

**Officers:** Corporate Director of Economic Development  
Head of Development Management  
Legal Services Manager  
Principal Planning Officer  
Planning Officer (x3)

### **DC.86/21 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor Mrs Anne Glendinning, Councillor Ruth Alcroft and Councillor Miss Jeanette Whalen.

### **DC.87/21 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 of the following applications:  
- 21/0314 - Land off Orton Road, Carlisle. The interest related to objectors being known to him;  
- 21/0657 - 11 Newfield Park, Carlisle, CA3 0AH. The interest related to objectors being known to him;  
- 21/0498 - Land North East of Inglewood Meadows, Wetheral. The interest related to objectors being known to him and his wife's membership of the National Trust which had submitted an objection to the application.

## **DC.88/21 PUBLIC AND PRESS**

RESOLVED – That the Agenda be agreed as circulated.

## **DC.89/21 MINUTES OF PREVIOUS MEETINGS**

With reference to minute DC.82/21 Planning Enforcement Update, a Member commented that, in relation to a case contained in the report, he had raised the matter of enforcement relating to previous conditions not being implemented, and that the Officer had undertaken to address the issue.

The Chair responded that the minutes would be updated to include a reference to the Member's comments.

RESOLVED - 1) It was noted that Council, at its meeting of 14 September 2021, received and adopted the minutes of the meetings held on 21 July (site visits) and 23 July 2021. The Chair signed the minutes.

2) That the minutes of the meeting held on 20 October 2021 (site visits) be approved.

3) That the minutes of the meeting held on 10 September 2021 be approved, subject to the inclusion of the amendment set out above.

## **DC.90/21 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.91/21 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. Application - 21/0314 - Land off Orton Road, Carlisle**

#### **Proposal: Residential Development & Associated Landscaping and Infrastructure.**

The Principal Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 20 October 2021. Slides were displayed on screen showing: location plan; proposed site layout; proposed site sections; tree protection plan; proposed parking layout; and, photographs of the site an explanation of which was given for the benefit of Members.

The Principal Planning Officer recommended that:

1) The application be approved with conditions, subject to the completion of a Section 106 agreement to secure:

- a) the provision of 30% of units as affordable;
- b) an off-site open space contribution of £31,038 for the upgrading of existing open space;

- c) a financial contribution of £45,000 to support the off-site improvement of existing play area provision;
- d) a financial contribution of £33,327 to support the off-site improvement of existing sports pitches;
- e) the maintenance of an informal open space within the site by the developer;
- f) a financial contribution of £554,158 to Cumbria County Council towards secondary education provision;
- g) a financial contribution of £6,600 to Cumbria County Council for Travel Plan monitoring;
- h) a financial contribution of £5,500 to Cumbria County Council for relocating the 30mph zone and a new gateway feature.

2) Should the legal agreement not be completed, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

Councillor Bainbridge (Ward Member) addressed the Committee in the following terms: as usage of the adjacent highway had increased, so had the number of accidents thereon; concerns had been expressed in relation to the proposed access/egress arrangements; the moving of the 30mph signage was not sufficient; the laying of tarmac had the potential to negatively impact existing trees and hedgerow at the site; a condition preventing vehicles parking on street prior to the site opening was needed; the applicant had conducted a public consultation on the application, however, residents in 14, 15 and 16 St Edmonds Park did not agree with the outcome; the proposed two storey dwellings at the rear of the existing bungalows of 14 - 16 St Edmonds Park would have a detrimental impact on their residential amenity; the submitted section plans showed the properties at plots 7 - 9 (backing on to 14 - 16 St Edmonds Park) being moved a further 1.2 metres from the existing boundary and a lowering of floor levels by 2 foot, however, those amendments were not sufficient to mitigate the impact of the proposed dwellings on the existing properties; the proposal of providing hedging along the boundary of plots 7 - 9 was not appropriate as the existing properties had small gardens which would be swamped by hedging on such a scale; due to the impact on 14 - 16 St Edmonds Park, the proposal was not compliant with Local Plan policy SP 6 - Securing Good Design; a better solution would be the provision of bungalows on plots 7 - 9; the Supplementary Schedule contained a letter from the applicant to Councillor Bainbridge, he asserted that he did not agree with the content.

Mr Fenton (Applicant) responded in the following terms: the proposal would provide 160 dwellings, 40 of which would be affordable; the site was allocated for housing development in the Local Plan; work with the Officer and stakeholders had been undertaken in order to address issues raised in the consultation; the north eastern boundary of the site was recognised as a sensitive part of the development; a number of options to mitigate the impact had been considered including the provision of bungalows along the boundary with St Edmonds Park, the meeting of separation distances, the reduction of floor levels in the proposed dwellings, the installation of hedgerow; the removal of Permitted Development Rights for plots 7 - 9 had been agreed; the small gardens at 14 -16 St Edmonds Park was the existing position; the layout scale and massing was consistent with bungalows and 2 storey properties; public open space within the site would provide views over to an AONB; the proposed sub-station would be built in accordance with the relevant regulations and would be screened; following a request by the Highway Authority, an additional traffic survey was undertaken which indicated the development would generate an additional 3 car movements per minute; the assessment indicated no adverse impact on road safety as a result of the scheme; the relocated 30mph speed limit signs along with the installation of a gateway feature would effectively guide people into the development, the Highway Authority had not objected to the proposal; the proposed scheme would be connected to services and a footpath was to be provided from the development to St Edmonds Park; the scheme would provide a mixture of dwelling types and a number of people had already registered their

interest in the development; were the application to be approved, development would commence in early 2022.

The Chair invited the Principal Planning Officer to respond to the issues raised, with regards to parking condition 28 could be expanded to include the prevention of parking on Orton Road prior to the development opening.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- Lengthy discussions had taken place between Officers, the developer and the Ward Member regarding the provision of bungalows on the plots along the boundary between the development and plots 9 - 16 St Edmonds Park. A number of revisions had been made to the proposal including the lowering of floor levels and the re-siting of the proposed dwellings to comply with stipulated separation distances, as a result the proposal was deemed to comply with Local Plan policy SP 6 and the Supplementary Planning Document:
- A play area near the application site had been closed and had its equipment removed in response to issues relating to anti-social behaviour. There were other existing play areas in the vicinity of the application site, contributions under the Section 106 agreement would be allocated to those.

Members remained concerned about the impact of the development in relation to the provision of 2 storey dwellings along the boundary with St Edmonds Park due to the impact on the residential amenity on the existing properties. They were of the view that in respect of plots 7 - 9 bungalows would be a more appropriate dwelling type rather than the proposed 2 storey properties.

A Member moved that determination of the application be deferred in order to allow Officers to discuss the replacement of 2 storey dwellings with bungalows at plots 7 - 9 with the applicant. The proposal was seconded and following voting it was:

**RESOLVED:** That determination of the application be deferred in order to allow Officers to discuss the replacement of 2 storey dwellings with bungalows at plots 7 - 9 with the applicant, and to await a further report on the application at a future meeting of the Committee.

## **2. Application - 21/0657 - 11 Newfield Park, Carlisle, CA3 0AH**

### **Proposal: Removal of hedge and erection of 1.8m high boundary fence to incorporate additional land into the domestic curtilage.**

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

The application had been withdrawn from discussion at the 10 September 2021 meeting of the Committee. Following that meeting the Planning Officer had contacted Cumbria County Council's Historic Environment Officer and the Countryside Access Officer making them aware of the concerns of third parties and the Ward Councillor in respect of potential impact of the proposal on archaeology and the footpath. Both statutory consultees reiterated their previous response of no objections to the proposal.

Paragraph 6.20 of the Main Schedule detailed a Freedom of Information request (FOI) which had been submitted and that the findings had not been provided to the Council. On Friday of

15 October 2021, a document dated 22 July was emailed to the Council and the Ward Councillor had subsequently confirmed that this was the FOI in questions and the respondent was content that the findings be discussed by the Committee.

The third party who requested the FOI specifically wanted to draw attention to point 3 of the FOI. The FOI sought clarification on the status of California Lane and whether the county had acted with due diligence to ascertain land ownership either side of the highway.

The response from Cumbria County Council highlighted that California Lane was part unadopted highway and part Public Right of Way with the Council attaching a Notice under the Highways Act 1980. The Notice illustrated a proposed 18 metres section of adoptable highway crossing between numbers 47 and 76 Newfield Park into the proposed residential development to the east of California Lane. Although land ownership was a civil matter no landowner had come forward in response to the Notice.

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

Councillor Dr Davison (Ward Member) sought confirmation that the Committee had been provided with a copy of the FOI requested. The Head of Development Management advised that the submission had been made too late for it to be circulated to Members, however, it pertained to highways issues which were fully considered in the report.

Councillor Dr Davison addressed the Committee in the following terms: the scheme required the loss of a significant parcel of hedgerow and habitat; open space was important to the health and wellbeing of residents; the Committee needed to be mindful of further narrowings of public space; the site was part of a walking and cycling route; California Lane had a lot of potential, the application should not restrict that; it was possible that the site contained historic artefacts; Dr Davison gave an overview of the history of California Lane in relation to its various designations as highway and Public Right of Way, the need for a Stopping Up Order and the uncertainty about its ownership; were the footpath to be classed as highway the current proposal was not in accordance with its use.

In response the Planning Officer advised that: a definition of a highway was provided under the Highways Act, however, California Lane was registered as a public footpath; the Countryside Access Officer had not proposed the use of a Stopping Up Order; the Historic Environment Officer had been on site and had not identified any areas where potential artefacts may be sited; the proposed scheme would increase biodiversity.

Councillor Brown noted that she had not been present at the Committee's earlier consideration of the application and indicated that she would not take part in the discussion nor determination of the application.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The proposed fence would be sited 3 - 5 metres from the outer edge of the footpath;
- It was not known who had undertaken maintenance to the footpath verge, however, it was a responsibility of Cumbria County Council as the Local Highway Authority.

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

**RESOLVED:** That the application be approved, subject to the imposition of relevant conditions as indicated in the Schedule of Decisions attached to these minutes.

*The Committee adjourned at 11:22 and reconvened at 11:28*

### **3. Application - 21/0313 - Land off Warwick Road, Carlisle**

#### **Proposal: Erection of discount foodstore with car parking and landscaping (Reserved Matters Application pursuant to Outline Permission 19/0840).**

The Head of Development Management submitted the report on the application. Slides were displayed on screen showing: location plan; proposed site layout; general arrangement elevations, proposed roof plan; proposed substation; highway drainage; landscape details; and, photographs of the site an explanation of which was provided for the benefit of Members.

Cumbria County Council as Local Highway Authority and Lead Local Flood Authority had unresolved concerns about the technical details with regards to both highway matters, in particular Road Safety Audit and drainage regarding surface water treatment, requiring more information. It had not objected to the Reserved Matters aspect of the application which included access, therefore the principle of access at this point resulting in a new junction arrangement was accepted. Further information relating to kerb alignment, dropped kerbs, construction details would have to be resubmitted with additional information. The Head of Development Management noted that there was also a separate S278 Highway agreement required from the County Council which was running in parallel to the planning application process.

The Head of Development Management recommended that the application be approved subject to the conditions detailed in the report.

Councillor Betton (Ward Member) stated that a resident of his ward, Mr Nash had requested that he make a representation to the Committee on his behalf, therefore he requested that the time allocated to a member of the public be added to the time allocated to himself to make a submission as Ward Member. The Chair sought clarification as to when Councillor Betton had received that request, Councillor Betton indicated Mr Nash had made the request the previous day. The Head of Development Management confirmed that Mr Nash had registered his Right to Speak in advance of the deadline of 5pm on 20 October. The Chair responded that as Councillor Betton was making representations on behalf of residents, he did not consider it necessary for him to be allocated any additional time to address the Committee.

Councillor Betton read out a submission on behalf of Mr Nash containing the following points: a letter had been submitted to the Town Clerk and Chief Executive regarding the detrimental impact on landscaping of the application in February 2021, as yet no response had been received; the report on the earlier application was flawed, therefore the principle of development was not confirmed; the objections submitted in relation to the Victoria Place / Warwick Road junction required detailed consideration; the traffic census was conducted at a time when, due to water pipe replacement works traffic on Warwick Road was severely disrupted: car parking proposals needed serious consideration; the report did not consider the relocation of nearby bus stops; 50% of the provided car parking should include electric charging points; surface water was likely to run-off on to the highway exacerbating existing flooding issues in the area; the proposal was not in accord with government thinking on CO<sub>2</sub> output; approving the application was likely to result in the closure of two local sub-post offices, therefore the proposed store should include a post office; permitting development on a flood plain amounted to poor decision making, Members needed to protect the safety of residents and businesses.

Councillor Betton made his representation to the Committee in the following terms: it was unclear whether a green man crossing on the highway or appropriate disabled access would be provided by the applicant; a number of conditions imposed as part of the Outline permission had not been enacted; an overview of an issue relating to a river outlet was given along with a description of activities undertaken as a result of previous flood events in areas near the application site; a Stage 2 Road Safety Audit was required.

The Chair asked Councillor Betton to begin winding up his speech to the Committee. Councillor Betton continued to describe actions taken in response to earlier flood events. The Chair stated that Councillor Betton had exceeded his allocated time for making verbal representations and requested that he cease his address to the Committee. Councillor Betton continued to address the Committee until such time as his speech was concluded. The Chair commented that Councillor Betton had registered a Right to Speak to represent his ward residents, unfortunately, his conduct at the meeting had let them down.

The Head of Development Management, in response to the points made by Councillor Betton, made the following points: the correspondence from Mr Nash had been replied to in May 2021; many of the issues raised pertained to conditions imposed on the Outline Permission and as such were not relevant matters in the determination of the current application; United Utilities comments were contained in the report.

Mr Koszyczarek (Agent) responded in the following terms: the approval of the Outline application established the principle of development; detailed drawings had been submitted with the current application setting out the scale and appearance of the store; the store would be powered by 468 solar panels; the applicant intended to provide as many 30 minute electrical vehicle charging points as was feasible; bicycle parking would be provided; the car park surface would be constructed from permeable materials; soft landscaping, ecological and biodiversity measures were incorporated into the scheme; the proposal was in line with national and local planning policy.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- Conditions relating to drainage imposed on the Outline Permission would be addressed by the Lead Local Flood Authority;
- The proposals for surface water management took into account the installed flood defences and sought to provide a betterment to the existing condition;
- The Highway Authority's assessment of the proposal had not led to a request for the imposition of any further measures than those proposed by the applicant;
- The Sequential Test had indicated no adverse impact from the proposal nor that there was a similar or better site for the scheme.

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

**RESOLVED:** That the application be approved, subject to the imposition of relevant conditions as indicated in the Schedule of Decisions attached to these minutes.

*The Committee adjourned at 12:12 and reconvened at 14:15*

#### **4. Application - 21/0498 - Land North East of Inglewood Meadows, Wetheral**

**Proposal: Change of Use of agricultural land for siting of 6no. pods; formation of parking area and footpaths; erection of service building and bin store.**

The Planning Officer submitted the report on the application which subject of a site visit by the Committee on 20 October 2021. Slides were displayed on screen showing: location plan; site plans and pod design; 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.

The Committee then gave consideration to the application:

In response to a question from a Member the regarding the management of waste water from the proposed hot tubs, the Planning Officer explained that the applicant was required by condition to submit a drainage scheme for the development for approval; should Members wish it the condition may be expanded to include reference to the management of waste water from the hot tubs.

A Member commented that he had felt that the site visit had been useful in assisting the Committee to determine the application, he outlined the following concerns:

- the proposed car parking did not match the requirements of the Local Plan;
- The application was not in accordance with Local Plan policies:

GI 1 - Landscapes as it was not appropriate to its surroundings;

EC 9 - Arts, Culture, Tourism and Leisure Development due to its scale and design which would compete with the existing landscape;

EC 10 (2) - Caravan, Camping and Chalet site due to its adverse interaction with the landscape and the location of the pods at the bottom of the site looking at the car park;

EC 11 - Rural Diversification as it was not inkeeping with the wider landscape;

SP 8 - Green and Blue Infrastructure - the site was clearly important to wildlife and the Woodland Trust's comments on the application noted the potential for the proposed scheme to cause disturbance.

Overall the Member considered that the location was not suitable for the proposal.

In response the Planning Officer noted:

- The site was selected as it was deemed to be the most viable position for the proposed accommodation;
- The site enjoyed the tranquillity of the woodland and had better connectivity to the village;
- Scale: The 6 pods were able to accommodate 2 people, a number of management conditions were proposed including no provision of night time facilities as mitigation of the scheme's potential impact on the surrounding area;
- The impact of biodiversity net gain had been assessed including the submission of a Habitat Assessment which was satisfactory and was included in the proposed conditions.

The Member responded that he felt the impact of the application would incorporate not just the existing trees but also the wildlife in the vicinity of the site, he indicated he was in favour of refusing the application.

Another Member stated his agreement with the concerns outlined above and added further concerns in relation to: the gradient of the site causing surface water run-off; and, the potential for users of the site to park on the roadside. Moreover, he felt the scheme was not aligned with the character of landscape nor the nearby heritage assets.

A Member asked whether the proposed car parking was able to be relocated next to the pods.

The Planning Officer responded that should Members wish that proposal to be assessed, the Committee should consider deferring determination of the application on that basis.

The Corporate Director of Economic Development advised that, if Members felt there were technical issues that needed to be addressed it was better to defer the application.

A Member proposed that the application be refused on the grounds that it was not compliant with Local Plan policies GI 1, EC 9, EC 10, EC 11 and SP 8. The proposal was seconded.

Another Member proposed that the application be deferred to allow Officers to negotiate the relocation of parking provision within the site. The proposal was seconded.

The Chair put the two proposals to the vote in the order in which they had been made, and it was:

**RESOLVED:** That determination of the application be deferred in order for Officers to negotiate the relocation of parking provision within the site and for a further report on the application be presented to a future meeting of the Committee.

## **5. Application - 21/0766 - Land to the rear of 46 Broomfallen Road, Scotby, Carlisle, CA4 8DE**

### **Proposal: Erection of 1no. dwelling**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: block plan / location plan; site plan; site section; elevations; floor plans, 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 questions from Members, Officers confirmed:

- The current proposal differed from application 18/0506 in that the proposed dwellings sat lower in the site due to the remodelling of the site;
- The Planning Officer along with representatives from the Lead Local Flood Authority had undertaken joint site visits to investigate surface water flooding and it was recommended that the same conditions in respect of surface water management be imposed within the current application;
- No recent objections had been submitted in respect of surface water flooding from the development site and the occupiers of 1 Ridge Close had not raised any issues.

A Member commented that there was a large mound of soil within the site which he considered was connected to the existing development thereon, he understood that it was to be removed.

The Planning Officer undertook to liaise with the developer on the matter.

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 in the Schedule of Decisions attached to these minutes.

**6. Application - 21/0649 - Land to the south of The Coach House, Allenwood, Heads Nook**

**Proposal: Formation of Vehicular Access into Field.**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: block plan; proposed new access; and photographs of the site.

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

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

**7. Application - 21/0545 - Former Methodist Chapel, Cumwhinton, Carlisle, CA4 8DT**

**Proposal: Change of Use of former Methodist Chapel to 1no. dwelling.**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan; site plan; existing sections and elevations; proposed plan (ground floor and roof); and, photographs of the site and 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.

The Committee then have consideration to the application.

Members discussed the issue of parking in relation to the proposal both within and in the vicinity of the site.

The Planning Officer explained that a strip of land at the side of the proposed dwelling had been sold to the owner of the adjacent property who had absorbed it into the curtilage of the property. Discussions between the applicant and adjacent property owner were understood to have commenced but as yet an accommodation had not be reached.

Members considered the importance of retaining the building in a useable, maintained form, refusing the application was likely to see it fall into a state of disrepair.

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 in the Schedule of Decisions attached to these minutes.

**DC.9221 STANDING ORDERS**

During consideration of the above item, it was moved, seconded and RESOLVED that Council Procedure Rule 9, in relation to the duration of meetings be suspended in order that the meeting could continue over the time limit of 3 hours.

## **8. Application - 21/0782 - 153 Newtown Road, Carlisle, CA2 7LL**

### **Proposal: Change of Use from hairdressers to hot food takeaway.**

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

The Planning Officer recommended that the application be refused for the reasons set out in the report.

Mr Seenarine (Applicant) addressed the Committee in the following terms: the application was in accordance with Local Plan guidelines; the proposal would allow for the provision of a new type of takeaway cuisine; traffic and noise in the area around the site was reduced due to the closure of the nearby Thai takeaway and a bakery; parking would not be an issue; no concerns in respect of the backyard had been raised by adjacent property owners; refuse would be stored in the yard prior to collection; the proposed opening hours may be amended to make them more sociable; the ambient noise associated with the development would decrease through the evening time; the Highway Authority had not objected to the proposal.

In response the Planning Officer noted that the applicant had indicated a willingness to amend the proposed opening hours which had not previously been offered in the assessment of the application. There was a domestic flat above the application site therefore noise and disturbance issues needed to be considered.

The Committee then gave consideration to the application.

A Member stated that she considered the reasons for refusing the application to be weak as the site was already in commercial use and noted that a hairdressers can be very busy establishments. She proposed that the application be approved.

The Planning Officer responded that comparing the proposal to the existing use was a subjective matter. He noted that the building itself was small and confined, and that a takeaway use would operate at different hours and would, in addition to customers entering the premises, also have deliveries.

The Corporate Director of Economic Development explained that hairdresser and food takeaway establishments had differing use classes in national planning policy, with takeaways being viewed as more detrimental to their surroundings.

A Member seconded the proposal to approve the application with the imposition of relevant conditions, particularly those related to extraction being delegated to the Corporate Director of Economic Development.

Another Member noted the applicant's offer to revise the proposed opening hours.

The Planning Officer responded that, were the application to be approved, the matter would be explored with the applicant.

The proposal to approve the application was put to the vote and it was:

**RESOLVED:** That the application be approved subject to the imposition of relevant conditions

determined by the Corporate Director of Economic Development, as indicated in the Schedule of Decisions attached to these minutes.

*The Committee adjourned at 15:25 and reconvened at 15:32.*

**9. Application - 21/0382 - Metal Bridge Inn, Metal Bridge, Blackford, Carlisle, CA6  
4HD**

**Proposal: Change of Use to add provision of overnight parking of motorhomes & 5no. camping pods; Erection of toilet block (Part Retrospective).**

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

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

In response to questions from Members, Officers confirmed:

- That a licence from the Environment Agency would be required in respect of the foul drainage arrangements, that process was out with the planning application;
- The proposed structures were not large enough to provide for residential use, therefore the imposition of a condition to prevent such use was not necessary;
- The closed status of the section of highway which ran under the M6.

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 set out in the Schedule of Decisions attached to these minutes.

**10 Application - 21/0698 - Land North of Holme Meadow, Cumwhinton, Carlisle, CA4  
8DR**

**Proposal: Erection of 5no. market dwellings; erection of 9 no. self/custom build dwellings; formation of vehicular access and road; provision of structural landscaping/planting; formation of amenity area and provision of associated infrastructure and services (Outline) (Revised Application).**

The Head of Development Management submitted the report on the application which had been subject of a site visit by the Committee on 20 October 2021. Slides were displayed on screen showing: location plan; block plan, proposed site plan; aerial image; site section; drainage layout; biodiversity gains plan; and, photographs of the site an explanation of which was provided for the benefit of Members.

The current application was a resubmission with revisions to the supporting information to address a number of concerns raised by Members during the debate on the previous application and seeking to address the refusal reason.

The applicant had commissioned a Landscape and Visual Assessment to demonstrate how the development would sit within the landscape and after a 10 year period when the new

structural landscaping has been put in place.

The Head of Development Management noted that as well as providing additional supporting information to address the concerns about intrusion into the countryside, confirmation of the separation distance to existing housing, changes to the drainage scheme and setting out the biodiversity net gains, the application continued to seek to deliver 9 self or custom build plots. The market housing on the site would assist with the required infrastructure provision, ensuring serviced plots would be provided and all services/infrastructure and strategic landscaping were to be delivered by the developer of the site as part of the overall delivery of the proposal.

The Head of Development Management recommended that:

1) Authority to Issue approval be given to the Corporate Director of Economic Development subject to the completion of a Section 106 agreement regarding:

- a) limiting defined units to self-build and custom build dwellings;
- b) maintenance and management of on-site open space, amenity space and strategic landscaping areas.

2) Should the legal agreement not be completed, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

Mr Mallinson (Objector on his own behalf and on behalf of Messrs Credie, Thompson and Liverick) spoke against the application on the following terms: a condition of the existing Holme Meadow development had required the planting of native hedge and trees species along the southern boundary of the application site which the Council had confirmed had been imposed to define the edge or the limit of the village, beyond which was open countryside; the developer's contention that a key objective of the proposed scheme was to '*provide the edge of the village which reinforces its form and put definite limits on development*' was then fallacious as the existing landscaping provided that function; permitting development beyond the existing defined limit would set a precedent and provide for further such applications thus continuing the march of the village into open countryside; the Officer's report recognised the issue (paragraph 6.26), noting any expansion into open countryside was not in accordance with Local Plan policy HO2, specifically criterion 1 and 3; two dozen local residents had objected to the proposal along with the Parish Council, local MP, the Friends of the Lake District, and the Campaign for the Protection of Rural England (CPRE); the mitigation measures put forward in the Officer's report were not sufficient, for example, the proposed landscaping screening would take decades to be effective, regardless of the height or location of individual dwellings; the proposed location of the self-build dwellings at the southern boundary would have a strong visual impact as that was the highest point of the site; the ecological impacts of the development would not be positive as the scheme would necessitate the displacement of wildlife from both the existing landscaping features and through the development of the site; the canopy of trees at the boundary of the Holme Meadow development overhung the application site, as such it was likely branches may be lopped in future creating a detrimental impact on both the appearance and viability of the trees along the length of the boundary; since 2014 the village of Cumwhinton had, due to permitted development, doubled in size, the village's proximity to Carlisle city should not mean its character and form were not protected as that would not be in accordance with Local Plan policies HO 2 and SP 2 – Strategic Growth and Distribution; the Officer's report grossly underestimated the scale and impacts on the existing village; the application site was prominent and the proposed scheme's dwelling types and locations would have maximum impact on the settlement and open countryside; the St Cuthbert's Garden Village project (SCGV) was conceived as a mechanism for protecting villages in the district from overdevelopment and its associated harms, there was no reason that the dwellings proposed

in the current scheme may not be provided there particularly given permissions for the Garden Village were now able to be provided.

Mr Mallinson read out a representation to the Committee on behalf of Councillor Higgs who was not able to attend the meeting: Residents of Cumwhinton did not support the development; the additional housing was not needed in the village; the site contributed to the setting of the village by providing an open aspect and expansive views to open countryside, development thereon was then contrary to Local Plan policy GI 1 - Landscapes; Cumbria Constabulary recognised there was a speeding issue in the village, other recent applications had been required to make contributions towards traffic calming measures but no such levy had been applied to the proposed scheme; no Green Spaces contribution had been secured to enable compensatory provision either on or off-site; there was no low cost housing provision associated with the application; the road network in the village was already busy, drainage was struggling to cope, the local school was oversubscribed, thus approving the application would over burden the community in ways there were contrary to Local Plan policy SP 2; the application site was not well contained within existing landscape features nor was it well integrated with the existing settlement, instead it constituted an unacceptable intrusion into open countryside and so was not in accord with Local Plan policy HO 2; the SCGV project was conceived as a mechanism for protecting villages in the district from overdevelopment and its associated harms, there was no reason that the dwellings proposed in the current scheme may not be provided there.

Mr Hutchinson (Agent) responded in the following terms: there was a local need for self and custom build plots which the Council had a legal duty to provide, the previous application (19/0871) had been submitted as a model for self and custom build development in the district and extensive discussion had taken place between the applicant and Officers to identify a site plan, basic road layout and the concept of providing a mixture of market and self build units; in response a planting schedule, infrastructure plan, biodiversity plan had been submitted; following the refusal of application 19/0871, the applicant commissioned a Chartered Landscape Architect to conduct a Landscape and Visual Assessment (LVA) of the proposal with a view to making relevant recommendations; whilst not part of the formal reason for refusal, the Committee had highlighted concerns in relation to proposed structural planting, infrastructure design, and biodiversity benefits associated with the scheme; Mr Hutchinson set out the amended proposal in relation to planting and landscaping noting that they would enhance the key attributes of the existing site; in July 2020 the Ministry for Homes, Communities and Local Government published an assessment of the district and the SCGV project that showed 2,803 people were looking for a self or custom build plot; the Housing Development Officer had provided confirmation that a specific duty to grant permission for service plots was in force and that the Council was not making sufficient delivery, therefore more plots were required, the current proposal would make a positive contribution in respect of the Council's self and custom build duty; it was evident that the Council needed to do more to comply with the duty for self and custom build housing provision; the village of Cumwhinton had services and was sustainable; SCGV would accommodate significant housing development in the future, windfall housing remained permissible; no Statutory Consultee had objected to the proposal, subject to the imposition of relevant conditions.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The initiation of the landscaping scheme would be managed as part of legal agreement, as yet there were no examples of how best to manage that aspect of the development over the long term;
- The woodland would be a community woodland rather than being managed by self maintenance;
- The national planning policy landscape had changed significantly in the two decades since

the Holme Meadow development was approved, it had become much less restrictive and local authorities now had duties in relation to self and custom builds as well as new homes targets to meet;

- An appeal had been lodged with the Planning Inspectorate in respect of the refusal to grant permission for application 19/0871;
- A condition requiring the use of swift bricks was able to be included in the permission.

A Member stated that he could not distinguish any material change in the current application that mitigated the concerns raised by Members regarding the proposed scheme's intrusion into open countryside which had been the basis of the Committee's refusal of application 19/0871. Moreover, he did not consider the site was suitable for self and custom build development which may take many years to complete, the Member indicated he was minded to refuse the proposal.

Another Member supported the concerns outlined above and considered the duty to provide self and custom build plots did not justify the use of the Windfall Housing policy as a means to justify the development. Furthermore, he expressed concerns in relation to the existing drainage in the settlement which was subject to flooding and the proposal was likely to exacerbate that issue.

A Member moved the Officer's recommendation which was seconded.

Another Member proposed that the application be refused on the grounds that it was not in accordance with Local Plan policies HO 2(3) and CM 5. The proposal was seconded.

The Head of Development Management requested that those Members who had proposed and seconded the motion to refuse the application provide further detail as to why the changes in the current scheme were not satisfactory.

The Members further outlined their concerns, however, it was determined that they did not amount to sufficient grounds on which to justify refusing the application, resultantly, the proposal was withdrawn.

The Chair put the proposal to accept the Officer's recommendation to the vote and it was:

RESOLVED: That

1) Authority to Issue approval be given to the Corporate Director of Economic Development subject to the completion of a Section 106 agreement regarding:

- a) limiting defined units to self-build and custom build dwellings;
- b) maintenance and management of on-site open space, amenity space and strategic landscaping areas.

2) Should the legal agreement not be completed, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

*Councillor Shepherd left the meeting at 4:28pm*

## **DC.93/21 SCHEDULE B - APPLICATIONS DETERMINED BY OTHER AUTHORITIES**

RESOLVED - That the content of the report be noted.

## **DC.94/21 TPO 312 STONEGARTH, MORTON PARK, CARLISLE**

RESOLVED - That Tree Preservation Order 312 Stonegarth, Morton Park, Carlisle be confirmed.

The Meeting ended at: 16:45