



Planning Committee

Date: Wednesday, 31 January 2024

Time: 10.30 am

Location: Cathedral Room - Civic Centre, Carlisle

Present: Cllr A Glendinning (Chair), Cllr R Dobson (Vice-Chair), Cllr R Betton, Cllr J Grisdale, Cllr L Jones-Bulman, Cllr A Markley, Cllr A Semple, Cllr C Southward, Cllr B Pegram and Cllr A Pratt

In Attendance Senior Lawyer
Senior Business Support - Electoral & Democratic
Principal Planning Officer
Planning Technician
Assistant Director of Thriving Place and Investment
Planning Officer
Head of Development Management
Planning Manager
Lead Officer - Flood & Development Management

PC.100/23 Apologies for absence

Apologies for absence were submitted on behalf of Councillors Kelly and Mallinson.

PC.101/23 Declarations of Interest

Councillor Grisdale declared an interest in agenda items 5d, application FUL/2023/0212, 5e, application VAR/2023/0034, 5f, application RMA/2023/0007 and 5g, application FUL/2023/0216 due to the potential perception of bias by calling in the applications with the reasons for objection attached, being the Ward Councillor for Seaton and would be removing himself from the committee for those items.

Councillor Dobson declared an interest in agenda item 5a, application 23/0655 due to being the Ward Councillor for Corby and Hayton this would not affect his consideration of the application of which he remained an open mind. Councillor Dobson also declared an interest in agenda item 5h, application 23/0804 as the Ward Councillor for Corby and Hayton and would be removing himself from the committee for the item to present his views.

PC.102/23 Exclusion of Press and Public

There were no items on the agenda for the press and public to be excluded from the meeting.

PC.103/23 Minutes of Previous Meeting

RESOLVED – That the minutes of the meeting held on 20 December 2023 be approved.

PC.104/23 Schedule of Applications

RESOLVED – that the report be noted.

PC.105/23 Application - 23/0655 - Land north of Hurley Road and east of Little Corby Road, Little Corby, Carlisle

Proposal: Erection of 42no. Dwellings

The Principal Planning Officer submitted a report which had been subject to a site visit by the committee on 29 January 2024.

Slides were displayed on screen showing; wider location plan, proposed site layout, location plan, house type plan and elevation and photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer read out a late objection with the main concerns that the area is unable to support services specifically doctors cover and places in the local secondary school and no provision for pedestrian walkways/pavements.

The Principal Planning Officer highlighted that the Parish Council and objectors had raised concerns about the impact of the proposal on the highway network and on pedestrian safety. The Principal Planning Officer confirmed that Highways had no objections to the proposals and that the 30mph zone would be extended to include the site access and gateway features would be introduced along with road markings. The site had been subject to previous outline planning permission for 45 dwellings. Prior to this there had been an appeal to the Secretary of State. Accordingly, the highways and safety aspect to the site had been scrutinised within earlier applications and deemed acceptable.

The Principal Planning Officer recommended that "authority to issue" approval with the conditions listed in Appendix 1 be granted to the Assistant Director of Thriving Place and Investment subject to the satisfactory resolution of nutrient neutrality and the completion of a satisfactory S106 legal agreement to secure:

- a) the provision of 12 (30%) of the dwellings as affordable;
- b) a financial contribution of £46,852 (£37,020 for provision and £9,832 for maintenance) towards the upgrading and maintenance of children's play space within Warwick Bridge;
- c) a financial contribution of £15,212 towards the improvement of existing open space within Warwick Bridge;
- d) a financial contribution of £10,319 to support the off-site improvement of existing sports pitches;
- e) a financial contribution of £7,500 for a TRO for a speed limit order, its publication and implementation including all ancillary works (village gateway signage and road markings to be introduced);
- f) the maintenance of the informal open space within the site by the developer;
- g) mitigation to deal with nutrient neutrality.

If the S106 legal agreement is not signed, authority be given to the Assistant Director of Thriving Place and Investment to issue refusal.

A Member made reference to the National Planning Policy Framework in particular promoting healthy and safe communities and that developments should give priority to pedestrian and cycle movements, the application is unsatisfactory and contrary to policy. The Flood and Development Management Officer commented that although walking/cycling is encouraged small sites are constrained and have limited opportunities which is common in villages.

The Principal Planning Officer advised members that part of the appeal process was to look at the access and this was deemed acceptable.

A member raised a number of concerns, the road is dangerous, there is no link ups for the disabled and the site is an encroachment on a listed building and no consideration for local infrastructure and proposed to refuse the application.

The Head of Development Management reminded Members that they had to be clear and state which policies they were rejecting the application on due to the site being allocated for housing in the adopted Local Plan.

The Member confirmed the grounds for refusal were that the site encroached on a listed building, access and infrastructure. A Member seconded the access/highways aspects of the proposal and emphasised that the site does not have safe pedestrian access. However they did not wish to support the other part of the motion – the reason for refusal on the basis of harm being caused to a listed building.

The proposer therefore amended the motion to refuse the application so as to remove the ground that the site encroached on a listed building and so the motion proposed, which was seconded was to refuse the application on the basis of access and highways.

The Principal Planning Officer reiterated to Members that the majority of the site is allocated for housing. Planning appeal had been carried out in 2017 and outline planning permission granted in 2021. With regards to the listed building there is a distance of 70 metres between the application site and the listed building. The application is for bungalows which would have less impact on the site than the previously approved scheme, the vehicle movement would be reduced to the site due to less properties being developed and the Independent Highway Consultant deemed the site to be suitable.

A Member thanked the Officer for the detailed report and stated that there is a need for bungalows to be built and with this proposed to move the Officer's recommendation which was seconded.

A vote was taken on the first amended motion to refuse the application contrary to policy IP2 – Transport and Development (Carlisle District Local Plan 2015 – 2030), the motion was not supported therefore the motion was lost.

A vote was taken on the second motion to grant as per officers recommendation, following voting it was:

RESOLVED – that authority to issue approval with the conditions be granted to the Assistant Director of Thriving Place and Investment subject to the satisfactory resolution of nutrient neutrality and the completion of a satisfactory S106 legal agreement the terms of which are noted above.

PC.106/23 Application - 23/0148 - Land to west of junction on Orton Road & Sandsfield Lane, Carlisle

Proposal: Residential Development & Associated Infrastructure

The Planning Officer submitted a report which had been subject to a site visit by the committee on 29 January 2024.

The Planning Officer drew Members attention to the update report with a correction to the recommendation should state 9 discounted sale properties, the requirement for mitigation to deal with nutrient neutrality and suggested revisions to the conditions.

Slides were displayed on screen showing; wider location plan, location plan, proposed site layout plan, house type range and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that “authority to issue” approval with the conditions listed in Appendix 1 of the report be granted to the Assistant Director of Thriving Place and Investment subject to a satisfactory nutrient mitigation scheme to reduce the impact of nutrient pollution on the River Eden SAC and the completion of a satisfactory Section 106 legal agreement to secure:

- a) provision of affordable housing (9 discounted sale properties and 9 affordable rented properties);
- b) the payment of £409,800 towards secondary education;
- c) the payment of £6,500 towards a Traffic Regulation Order;
- d) the payment of £6,600 towards a Travel Plan monitoring fee;
- e) the payment of £78,433.50 to enhance, increase accessibility, and upgrade existing facilities on Yewdale Road and Richmond Green;
- f) the payment of £29,484 toward the provision of artificial pitches district wide; and
- g) the management of on-site open space.
- h) mitigation to deal with nutrient neutrality.

If the Section 106 legal agreement is not signed or a satisfactory resolution to nutrient pollution through an appropriate mitigation scheme is not agreed, authority be given to the Assistant Director of Thriving Place and Investment to issue refusal.

An objector spoke on the application with the main concerns raised; the road is extremely dangerous, lack of maintenance of hedges and verges, during build period noise pollution, dust and dirt pollution, extra traffic and works vehicles and drainage problems. The objector commented on the sums of money in the officer’s recommendations and stated that they could be used better locally.

The Ward Councillor spoke in objection of the application, although they welcomed bringing people into the area this application is not within a designated area but a windfall site. Complaints have been received from various housing estates within the area the main concerns being; road safety, disruption, noise/dust pollution, heavy vehicles during construction, speeding, lack of footpaths, hedgerows not maintained, additional traffic flow, bus service not adequate. Residents feel that they have not had adequate consultation. The Ward Councillor asked for a mitigating measure to be included for traffic calming of the area.

The Agent addressed the Committee highlighting that the financial contributions are a usual part of planning as set out in the policy. Windfall sites positively contribute and there is a significant shortfall of affordable housing. In relation to the drainage/flooding, surface water will go into the attenuation pond which discharges on the opposite side of the bypass and flows into the Solway. The Agent addressed the concerns over construction activity and advised the Committee that conditions were within the report, a condition had also been included for the maintenance of hedgerows. The Agent confirmed there are suitable transport links and stagecoach timetable shows 3 buses every 20 minutes. Highlighting the concerns in relation to highway safety and the provision of a park on site the Agent confirmed that the existing boundary would be set back 2 metres significantly improving the junction and advised Members

that there is no provision on site for a park however a significant contribution off site benefiting the wider community.

The Planning Officer advised the committee that in relation to construction traffic raised by the objector and the Ward Councillor conditions 3 and 8 set out that a construction traffic management plan and a construction method statement had to be submitted prior to any development. The Planning Officer also highlighted condition 6 that details of a sustainable surface water drainage scheme and a foul water drainage scheme to be submitted prior to the commencement of development. The Planning Officer also advised Members that the publication of the application and site notices had been adhered to within the specified time frames.

The Flood and Development Management Officer advised the committee that highways were working with the police to install a digital speed sign and request that the speed limit be moved and changes to road markings.

The Committee gave consideration to the application and following this a Member moved to defer the application, the site plan shows that there is some amenable space to implement a playground on site and asked for the scheme to be looked at again, with other matters to be looked into including footpath links; extra parking and information on the proposed location of 30mph speed restrictions, this was seconded and following voting it was;

Councillor Betton left the meeting at 11:55

RESOLVED – that the application be deferred in order to explore the potential for on-site open space (play area); footpath links; extra parking and information on the proposed location of 30mph speed restrictions and to await a further report on the application at a future meeting of the committee.

PC.107/23 Application - 4/20/2432/0F1 - Land at Howbank Farm & Former Orgill Infants School Site, Egremont

RESOLVED – that this application had been withdrawn from the Agenda for this meeting.

The Planning Committee adjourned at 12:03 and reconvened at 12:18

Councillor Grisdale left the meeting

Councillor Betton returned to the meeting

The Planning Manager explained to the committee the reason for the order of the following applications and provided Members with the background planning history.

PC.108/23 Application - FUL/2023/0212 - Land East of Causeway Road, Seaton, Workington, CA14 1LP

Proposal: Construction of drainage infrastructure, comprising an attenuation basin and pumping station, together with associated works.

The Planning Manager submitted a report which had been subject to a site visit by the committee on 30 January 2024.

Slides were displayed on screen showing; location plan, site layout plan, outline drainage and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Manager recommended that the application be approved subject to the conditions in the report and signing of the S106 agreement to link the development to the outline application and 5 dwelling scheme.

Two objectors spoke on the application which included representations from Workington Flood Action Group with the main concerns raised, the proposal does not address current requirements and contravenes policies S29 (flood risk and surface water drainage) and S5 (development principles). The previous S106 is outdated and applicable to a previous application. Concerns were raised in relation to the pumping station and who would maintain this if United Utilities were not to adopt it. Standard of design for one pumping station unadoptable. Gale brook is already overloaded and in serious disrepair, outdated rainfall data used, not environmentally friendly, increase in power consumption and noise, increase foul odour and contamination to surface water. The objectors urged the committee to refuse or defer the application for further consideration to be made to the flood assessment.

The Agent addressed the committee and the concerns raised by the objectors, and advised the committee that the site had been heavily scrutinised by the LLFA (local lead flood authority) and the objectors since 2021. The change to the drainage system would allow a more spacious layout and the new strategy is acceptable to the LLFA for the betterment of the site, the principle can be drained effectively which had been established. There had been no technical objection therefore committee should support the application.

The Flood and Development Management Officer confirmed to members that the drainage report had been reviewed and as a result added in filter drains and the capacity of the SUDS point increased which would increase volume robustness and now satisfied it's a compliant design.

A Member asked for clarification in relation to the NAV system, if UU did not adopt the plan who would be responsible for the maintenance. The Planning Manager confirmed that condition 3 of the report set out that no development to commence until the details of how the approved drainage infrastructure shall be managed and maintained had been submitted to the Local Planning Authority.

A member asked for clarification with regards to the attenuation pond and the requirement of pumping they also asked when full how deep would it be? Also had concerns over children accessing the pond. The Flood Development Management Officer clarified there is no pumping in the SUD pond it's a gravity system. Best practice is no more than 2 metre deep and installation of a knee rail deterrent. The proposals are a dry basin design. The Planning Manager confirmed that condition 5 set out that a means of enclosure to be submitted and agreed in writing to the Local Planning Authority to reduce the risk and safeguard the surrounding area.

A Member was concerned that they did not feel that enough information with regards to the operation, maintenance flow and drainage had been given to them in order to make a decision on the application and proposed that the application be deferred. The motion was not seconded.

The Head of Development Management clarified to Members that a number of conditions had to be adhered to before the commencement of the development and in compliance with those further detail would be provided.

The Committee gave consideration to the application and following this a member moved the officer's recommendation. This was seconded and following voting it was;

RESOLVED – that the application be approved subject to the conditions and signing of the S016 to link the development to the outline application and 5 dwelling scheme (FUL/2023/0216).

PC.109/23 Application - VAR/2023/0034 - Land East of Causeway Road, Seaton, Workington, CA14 1LP

Proposal: Variation of Conditions 6 (plans) and 12 (surface water drainage) on application 2/2018/0493

The Planning Manager submitted a report which had been subject to a site visit by the committee on 30 January 2024.

Slides were displayed on screen showing; location plan, site layout plan, preliminary drainage plan (outline) off-site drainage plan (FUL/2023/0212) and aerial photo of the site, an explanation of which was provided for the benefit of Members.

The Planning Manager recommended that the application be approved subject to the conditions set out in the report and signing of S106 to link development to the separate full planning application for an alternative drainage scheme.

Two objectors spoke on the application which included representations from Workington Flood Action Group with the main concerns raised that the application contravenes policies S3 (spatial strategy and growth), S5 (development principles) and object to conditions 6 and 12 being removed. Concerns over risk of drowning in 1.8 metre pond and ask that the committee defer the application and ask drainage specialist to challenge the report.

The Agent addressed the committee and the objectors and fully understood the concerns over the drainage which had been looked at numerous times, a roundtable discussion had been held with a consultant on behalf of Workington Flood Action Group and own consultant this resulted in another independent view being sought after by the LLFA and advice received from the independent consultant was acceptable.

A Member proposed to defer to the application. This was not seconded.

A Member questioned the backup of the system if the power was to go down. The Senior Planning Manager confirmed that condition 12 covered the management and maintenance which would be submitted prior to commencement of development which would include provisions for an outage.

A Member raised a point of order that his points had not been considered. The Chair asked which Council procedural rule this related to. No further details were provided. The Chair considered the issue and confirmed that the Members points had been considered in full during the debate.

The Committee gave consideration to the application and following this a member moved the officer's recommendation. This was seconded and following voting it was;

RESOLVED – that the application be approved subject to the conditions and signing of the S016 to link the development to the separate full planning application for an alternative drainage system (FUL2023/0212).

Councillor Betton left the meeting at 13:11

PC.110/23 Application - RMA/2023/0007 - Land East of Causeway Road, Seaton, Workington, CA14 1LP

Proposal: Reserved matters for approved application 2/2018/0493 for the erection of 94 dwellings and associated works.

The Planning Manager submitted a report which had been subject to a site visit by the committee on 30 January 2024.

Slides were displayed on screen showing; location plan, outline illustrative masterplan, reserved matters layout, house type design and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Manager recommended that the application be approved subject to the conditions set out in the report and signing of the S106 to link the alternative drainage scheme to this application.

Three objectors spoke on the application which included representations from Workington Flood Action Group with the main concerns raised, significant number of vehicular movements from the site resulting in adverse impact on residential amenity, contravenes policies S1 (presumption in favour of sustainable development, S2 (sustainable development principles), S3 (spatial strategy and growth), S4 (design principles) S5 (development principles) S29 (flood risk and surface water drainage and S32 (safeguarding amenity). One objector commented that they had asked for the application to be deferred as the consultant was unable to look at the application within the time frame for the objectors to submit their comments and that all the trees on Hill Farm have TPO's.

The Agent addressed the committee and reminded Members that the application was for the reserved matters to consider the layout, appearance, scale and landscape and reminded the committee that the drainage scheme had been approved. In relation to the access of the site this had been considered in detail. The application is for 94 units included are 18 affordable homes, the design offers a spacious layout and slightly larger house types than a previous application. It is believed to be an attractive scheme and layout. There had been no technical objection and would like Members to support the application.

A Member asked why two entrances to the site had not been agreed and how the second entrance for emergency vehicles would be controlled? The Planning Manager reminded Members that on the site visit there was a single track road and would not be suitable for access, in relation to the emergency overflow this would not be accessible to members of the public and would be controlled by a bollard which the emergency services have access to the code.

A Member asked the Officer if they were satisfied that the TPO would not be breached. The Planning Manager confirmed that the removal of certain TPO's were to gain access and visibility.

The Planning Committee considered the application and following this a Member moved the Officer's recommendation. This was seconded and following voting it was;

RESOLVED – that the application be approved subject to the conditions set out in the report and signing of the S106 to link the alternative drainage scheme (FUL/2023/0212) to this application.

Councillor Betton returned to the meeting at 13:36

PC.111/23 Application - FUL/2023/0216 - Land North of Camerton Road, Seaton, Workington, CA14 1LP

Proposal: Erection of 5no. Residential dwellings, access, parking, landscaping and associated works.

The Planning Manager submitted a report which had been subject to a site visit by the committee on 30 January 2024.

Slides were displayed on screen showing; location plan, 5 dwelling scheme reserved matters, 5 dwelling scheme full planning application, house type designs and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Manager recommended that the application be approved subject to the conditions set out in the report and signing of the S106 to full application for the off-site drainage.

13:36 – Suspension of Procedural Rules

The Chair moved to suspend the procedural rules 8.2. Following voting the Committee agreed to continue with the meeting.

Two objectors spoke on the application which included representations from Workington Flood Action Group with the main concerns raised that compared to a previous application that had been approved 99 houses would now be on one pumping station does not provide feasible drainage system and stated that a previous application in 2017 had been granted with own drainage system and therefore urged the committee to refuse the application or return to own drainage system the proposal also contravenes polices S3 (spatial strategy and growth) and S5 (development principles).

The Agent addressed the committee and the concerns raised by the objectors, he reminded the committee that the new drainage system had been approved. The retention pond is oversized offering betterment, there has been no other objections and hoped that the committee would support the application.

A Member questioned where the 30mph speed limit is on Camerton Road and suggested that a condition be added to move it. The Planning Manager confirmed that the speed limit is close to an existing bungalow, the original outline application had been approved for 100 dwellings and current application is not materially different and no requirement for a traffic regulation order to be carried out, the visibility splays are sufficient.

The Planning Committee considered the application and following this a Member moved the Officer's recommendation. This was seconded and following voting it was;

RESOLVED – That the application be approved subject to the conditions and signing of the S106 to full application for the off-site drainage (FUL/2023/0212).

The Planning Committee adjourned at 14:00 and reconvened at 14:12

Councillor Betton left the meeting at 14:00, Councillor Grisdale resumed his seat at 14:12 and Councillor Dobson left the meeting to speak on the item.

PC.112/23 Application - 23/0804 - Pennine View, Sandy Lane, Broadwath, Heads Nook, Brampton, CA8 9BQ

Proposal: Removal of Condition 4 (closure of existing access) of previously refused 19/0540 subsequently approved by The Planning Inspectorate (reference 3247551) for the Variation of Condition 8 of previously approved permission 13/0916 to read as follows “The bungalow known as “Farndale”, identified on the block plan as “existing dwelling” shall cease its independent residential use and shall be occupied solely as ancillary accommodation to the property known as Pennine View and Farndale shall comprise a single planning unit.

The Principal Planning Officer submitted a report which had been subject to a site visit by the committee on 29 January 2024.

Slides were displayed on screen showing; application site boundary 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 refused.

The Ward Councillor spoke in support of the application on behalf of himself and the Agent noting that the separate access had been in situ for 90yrs it provides essential level wheelchair access for the occupant, access to various utility providers and acts as a passing place therefore is seen as a benefit rather than a problem.

Councillor Dobson withdrew from the meeting 14:21

The Principal Planning Officer read out from the report the Planning Inspectorates response.

The Committee gave consideration to the application, following this a Member moved the Officer’s recommendation. This was seconded and following voting it was;

RESOLVED – That the application be refused.

PC.113/23 2/2018/0595 - Derwent Howe Retail Park, Derwent Drive, Workington, CA14 3YW

RESOLVED – That the report be noted.

PC.114/23 22/0143 - Millers Paddock, Broomfallen Road, Scotby, Carlisle, CA4 8DE

RESOLVED – That the report be noted.

PC.115/23 23/0177 - 1 Berry Moor Road, Brampton, CA8 1DH

RESOLVED – That the report be noted.

The meeting finished at 2.30 pm