

## **DEVELOPMENT CONTROL COMMITTEE**

**FRIDAY 6 NOVEMBER 2020 AT 10.00 AM**

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

**OFFICERS:** Corporate Director of Economic Development  
Development Manager  
Legal Services Manager  
Planning Officer x 3

### **DC.092/20 APOLOGIES FOR ABSENCE**

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

### **DC.093/20 DECLARATIONS OF INTEREST**

No declarations of interest were submitted.

### **DC.094/20 PUBLIC AND PRESS**

**RESOLVED** – That the Agenda be agreed as circulated.

### **DC.095/20 AGENDA**

**RESOLVED** – That items 2 and 3, applications 20/0245 and 20/0246: 4 – 14 Victoria Place, Carlisle, CA1 1ER be considered together as they related to the same site.

### **DC.096/20 MINUTES OF PREVIOUS MEETINGS**

**RESOLVED** – 1) That it be noted that Council, at its meeting of 3 November 2020 received and adopted the minutes of the meetings of the Development Control Committee held on 12 August (site visits), 14 August, 9 September (site visits) and 11 September 2020.

2) That the Committee's resolution in respect of application 19/0905 - Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road) Carlisle be amended to include reference to secondary school provision (Minute Excerpt DC.091/20(1) refers).

3) That the minutes of the meeting held on 9 October 2020 be approved.

### **DC.097/20 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. Use of existing Touring Site for the stationing of 44 Static Touring Caravans In lieu of Consented 71 Touring Stances (51 Touring Caravan and 20 Tent Pitches) together with the demolition of existing amenity block, Dalston Hall Caravan Park, Dalton, Carlisle, CA5 7JX (Application 20/0567).**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: location plan, landscaping plan, an example of the proposed type of static holiday unit, and photographs of the site, and the towers of Dalston Hall Hotel, 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 questions from Members, Officers confirmed:

- The application covered both the inclusion of the units and the demolition of the existing amenity block, as such the two issues were not able to be determined separately;
- Insulation and soundproofing incorporated into the units would minimise the impact of external noise;
- Condition 4 of the permission restricted use of the units for holiday use only and precluded residential use. The owner of the site was required to keep a register of those staying in the units, and their main address, which was to be made available to the Local Planning Authority. Inspections of the register would take place on a spot check basis or in response to notification of any breach of the holiday use only restriction.

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

**2. Change of Use of redundant office building to form 6No. Houses of Multiple Occupation, 4 – 14 Victoria Place, Carlisle, CA1 1ER (Application 20/0245)**

**&**

**3. Change of Use of redundant office building to form 6No. Houses of Multiple Occupation together with various internal and external alterations (LBC), 4 – 14 Victoria Place, Carlisle, CA1 1ER (Application 20/0246)**

The Planning Officer submitted the report on the applications. Slides were displayed on screen showing: location plan; block plan; elevation plans; floor plans; schematic of individual pod and communal areas; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The report demonstrated that the principle of the conversion of the buildings was acceptable. The scale and design were appropriate to the site and would not result in an adverse impact on the character or appearance of the area.

The buildings had remained empty since they were vacated with little interest shown for re-use. The absence of interest indicated a lack of appetite within the market for alternative uses such as

retail or to remain as offices. The Planning Officer noted the danger of their not being brought back into use may lead them to fall into a state of disrepair thus degrading the valuable Grade II\* heritage assets and, potentially, impacting on the symmetry of the streetscene, character and appearance of the Conservation Area.

The significance and integrity of heritage assets need to be properly taken account of and protected as part of any development proposal. In determining this application, the Planning Officer advised that a planning balance had to be made which primarily related: to the less than substantial harm occurring as a result of the works to the building, offset by the development enabling the viable reuse of the building, rather than the continued period of vacancy leading to a potential deterioration of the building. The proposed scheme necessitated a number of alterations to the buildings so as to make them practical and viable for an alternative use, one which would secure the future of the heritage asset. As such the alterations were deemed acceptable.

The Council's Conservation Officer had been involved from an early stage, with the scheme being amended to take account of some issues raised by him. Based on the foregoing assessment it was considered that an appropriate equilibrium had been struck between the conversion and future use of the buildings together with the protection of the heritage assets and would be of wider public benefit. Therefore, the proposal would not be detrimental to the character or setting of any listed building.

There was already a high level of measures within the building for protection of its occupants from a fire incident given its former use as an office. Although a metal fire escape would be removed, this was the only one located at the far end of the terrace of buildings that would have been inaccessible by persons located at the Lowther Street end of the building. The conversion of the building would have to comply with Building Regulations which would include smoke and fire detectors, use of window openings for means of escape etc.

In the context of the site, the amenity of the occupiers of the neighbouring property would not be adversely affected. Adequate provision would be made for foul and surface water drainage. Although there was no dedicated parking provision, the site was located in the city centre with access to alternative transport links and car parks. In overall terms, the proposal was considered to be compliant with the objectives of the relevant local plan policies and the National Planning Policy Framework (NPPF). Accordingly, the Planning Officer recommended that the applications 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 accommodation was not classed as bedsits as the rooms were not self-contained;
- The floor space of the rooms conformed to the nationally set Space Standards;
- Where the application to have been a scheme to create houses, it was possible that they may encompass the same number of bedrooms;
- No information had been provided on the potential future occupiers. The issue of occupancy was not a matter planning permission was able to control;
- Cumbria County Council, as Highway Authority, had stated that no residential parking permits would be issued in the area of the development site. Future occupiers would be aware of that situation. The building had previously operated as an office and would have had parking requirements associated with it in terms of staff and visitors. It was understood that parking provision had been paid for at a nearby commercial site by the

previous owner, therefore it was feasible that similar situation could be implemented by the landlord of the proposed scheme. However, that was a matter for the company managing the scheme;

- In terms of disability access to the proposed scheme, a balance would need to be struck between protection of the fabric of the Grade II\* Listed Building, appropriate access measures, and compliance with Building Regulations. The matter would be addressed via Building Control;
- Refuse would be deposited in wheeled bins stored at the rear of the building;
- The Listed Building Consent process stipulated the works authorised to be carried out during a development. Any works undertaken in addition to those permitted would constitute a prosecutable offence under Listed Buildings and Conservation legislation;
- The applicant would work closely with the Council's Conservation Officer regarding the recording of features within the building;
- Cumbria Constabulary had not been directly consulted on the application, nor had it responded via the weekly published List of Planning Applications;
- The applicant had not indicated whether lighting would be provided to the rear of the property;
- The Council had adopted the Portland Square and Chatsworth Square Management Plan. That document superseded the former zoning of the Conservation Area which had prevented the creation of further Houses of Multiple Occupation therein;
- The reports on the condition of the sewers had not been seen by the Planning Officer. However, the applicant had already met with residents of nearby properties and had undertaken to repair any defects in the system;
- The current fire escape ladder would be removed as part of the scheme. Protection and warning systems inside the building would be provided, given the building's former use, those systems would be greater than those usually provided in a domestic setting. Any future application for the provision of fire escapes to the exterior of the building would be assessed in accordance with planning policy, but given the Grade II\* Listed status of the building would be unlikely to secure approval;
- Houses of Multiple Occupation were classed as one household for the purposes of self-isolation in relation to the Covid 19 pandemic.

A number of Members expressed concerns regarding the style of accommodation proposed by the scheme which it was felt provided too intense a level of occupation for the area and had the potential to create an adverse impact on the tone of the neighbourhood. A Member questioned whether the proposal was contrary to Local Plan policy HO 9 - Large Houses in Multiple Occupation and the Subdivision of Dwellings. Further concerns were expressed in relation to the quality of the development.

The Planning Officer responded that the applicant had developed other similar residential schemes which had been of good quality. He noted that the applicant would invest significantly in the property to achieve the scheme with costs relating to the purchase of the building and the conversion works. In response to concerns about the level of occupation of the building, the Planning Officer reiterated that were the building to be developed as houses, that may realise a similar level of occupation.

A Member appreciated that the construction was acceptable in Planning terms, but felt that the Committee remained concerned about a number of issues relating to the management of the site, on which Members did not have information to consider. He proposed that determination of the application be deferred in order to get more information on those issues via a Management Plan.

The Corporate Director cautioned Members about exceeding the remit of the Committee which was to determine land use and consider the impact on heritage assets. However, she acknowledged Members concerns on the matter of wanting to understand how the scheme would operate.

The Legal Services Manager advised that properties owned by businesses were monitored by the relevant regulatory bodies when it came to matter such as sewerage, and that any breach of Houses of Multiple Occupation legislation would be overseen and addressed by the Council. In terms of the management of the scheme, the individual occupiers would usually be subject to a legal tenancy agreement which would provide management in relation to matters such as waste or nuisance. She suggested that a condition may be added to the consent requiring the submission of a Management Plan prior to occupation.

The Development Manager explained that the Committee had considered Management Plans in respect of student accommodation, therefore there was a precedent for such action.

A Member moved that determination of the application be deferred in order to:

- a) Request the submission of a Management Plan;
- b) Obtain a consultation response from Cumbria Constabulary;
- c) Seek further clarification regarding the provision of cycle facilities;
- d) Clarify any proposed improvements and repair of foul drainage infrastructure;
- e) Clarify the provision of any external lighting;
- f) Identify security measures to access of the rear lane;
- g) Clarify any repair issues to the external stonework.

The proposal was seconded and following voting it was:

RESOLVED: That determination of the application be deferred in order to:

- a) Request the submission of a Management Plan;
- b) Obtain a consultation response from Cumbria Constabulary;
- c) Seek further clarification regarding the provision of cycle facilities;
- d) Clarify any proposed improvements and repair of foul drainage infrastructure;
- e) Clarify the provision of any external lighting;
- f) Identify security measures to access of the rear lane;
- g) Clarify any repair issues to the external stonework.

**4. Erection of garage; resiting of existing vehicular access from highway and associated external works to improve parking and turning within front forecourt (Revised application), Fairfield Cottage, Wetheral, Carlisle, CA4 8HR (Application 20/0540).**

The Planning Officer submitted the report on the application and outlined the planning history of the site. It was noted that a similar scheme had been refused by the Committee at its October 2019 meeting on the grounds that the proposed garage had not been considered a subservient addition, the current application was a revision of that scheme.

Slides were displayed on screen showing: location plan; existing and proposed site plan; elevation and floor plans; plan comparing the elevations of the previously refused application 19/0513 and the current proposal; 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 relation to the garage door facing the highway, a Member commented that the proposed aluminium shutter was not in-keeping with the vernacular.

The Planning Officer confirmed that the application proposed the use of an aluminium shutter door, however, the agent had indicated that the applicant was agreeable to using a timber door instead.

The Member considered a timber door more appropriate and requested that a condition be included to require that.

The Planning Officer undertook to incorporate the condition into the permission.

A Member moved the Officer's recommendation, along with an additional condition requiring the garage door facing the highway be constructed of timber. The proposal was seconded 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.

## **Schedule B**

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

**RESOLVED –** That the report be noted.

## **DC.098/20 WHITE PAPER: PLANNING FOR THE FUTURE**

The Development Manager submitted report ED.41/20 which set out the Council's response to the Government's Consultation on the White Paper: Planning for the Future.

The White Paper proposed the streamlining of Local Plans and increased the focus on design through the "Build Beautiful" message and National Design Guide being the biggest area for local input. A key element of the Paper was standardisation of the planning process through the use of national policies which were to be incorporated into Council's Local Plans. The proposed reduction in timescale for producing Local Plans (current average 5 years reduced to 18 months) left potentially large gaps in local knowledge and a reduced ability to identify local issues which a set of national policies may not adequately address.

Innovation in consultation with a view to improving engagement with local people was also covered in the paper. This was appreciated as Members were aware that at times people were not aware of planning policies, land allocations or planning applications. Increasing awareness was to be welcomed although, the Development Manager noted that it was to be done in the context of reducing time for Local Plan preparation and dealing with planning applications.

The ultimate aim of the Paper was to speed up delivery of housing as well as standardising most parts of Local Plans, the application process was to become more digital moving away from document heavy systems by reducing the demand for reports. In addition, the Government proposed changes to the Section 106 Legal Agreement system by the inception of a national infrastructure levy system.

The Council's response to the consultation was contained in the report, the Development Manager recommended that Members note its content.

The Committee gave consideration to the report.

Members considered with the increased focus on design, it was important to ensure that Officers and Members had sufficient training to be able to understand the relevant issues.

In response to a question from a Member regarding the consideration of health in planning policies, the Development Manager responded that whilst it was not an overt strand of the Paper it was a factor in the concept of sustainable places.

A Member expressed some concern that the proposals would negatively impact democratic engagement with the planning process particularly for Parish Council and local residents.

The Committee noted that the Government planned on implementing the White Paper within the current parliament.

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

RESOLVED. That report ED.41/20 be noted.

[The meeting closed at 11:55am]