



CARLISLE CITY COUNCIL

Minutes of Council, Executive,
Committees and Panels

Volume 49(2)

19 July 2022 to 12 September 2022

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Present: Councillor Ruth Alcroft, Councillor Trevor Allison, Councillor James Bainbridge, Councillor Robert Betton, Councillor Pamela Birks, Councillor Jeffrey Bomford, Councillor Mrs Marilyn Bowman, Councillor Nigel Christian, Councillor John Collier, Councillor Dr Helen Davison, Councillor Gareth Ellis, Councillor Ms Jo Ellis-Williams, Councillor Mrs Christine Finlayson, Councillor Mrs Anne Glendinning, Councillor Colin Glover, Councillor Stephen Higgs, Councillor Mrs Elizabeth Mallinson, Councillor John Mallinson, Councillor Mrs Ann McKerrell, Councillor Keith Meller, Councillor Mrs Linda Mitchell, Councillor Michael Mitchelson, Councillor David Morton, Councillor Paul Nedved, Councillor Lucy Patrick, Councillor Tim Pickstone, Councillor Fiona Robson, Councillor Peter Sunter, Councillor Dr Les Tickner, Councillor Raymond Tinnion, Councillor Christopher Wills

Officers: Deputy Chief Executive
Corporate Director of Governance and Regulatory Services

C.89/22 Minutes

The Mayor moved the receipt and adoption of the minutes of the meeting of the City Council held on 26 April and 16 May 2022.

RESOLVED - That the minutes of the meeting of the City Council held on 26 April and 16 May 2022 be received; and were signed by the Mayor.

C.90/22 Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Atkinson, Councillor Brown, Councillor Lishman, Councillor Shepherd, Councillor Miss Sherriff, Councillor Southward, Councillor Miss Whalen and Reverend Teasdale.

C.91/22 Public and Press

It was agreed that the items in Part A be dealt with in public and the items in private be dealt with in Part B.

C.92/22 Declarations of Interest

No declarations of interest were submitted.

C.93/22 Announcements

(i) The Mayor announced the first meeting of the Mayor's Charity Committee was to take place on 20 July. The Committee would raise funds for the following three charities: Carlisle Key; Mission @ CFM Cash for Kids; Jigsaw, Cumbria's Children's Hospice.

The Mayor further announced that Councillor Shepherd had been hospitalised following serious fall, he passed on the best wishes of the Council and wished Councillor Shepherd a speedy recovery.

(ii) The Leader of the Council

There were no announcements from the Leader of the Council

(iii) Members of the Executive

The Communities, Health and Wellbeing Portfolio Holder made the following announcements:

- Carlisle City Council had received the Gold award of the Armed Forces Covenant Defence Employers Recognition Scheme. The award was the only one granted in Cumbria and the Portfolio Holder paid tribute to the work of the Officers and Members which had enabled to the Council to receive the award.

- Carlisle Refugee Action in conjunction with Carlisle College and Cumbria Constabulary had recently held two events welcoming refugees to the city. The Portfolio Holder had attended one of the events which had been well supported and enjoyable.

(iv) Town Clerk and Chief Executive

There were no announcements from the Deputy Chief Executive.

C.94/22 Questions by Members of the Public

Pursuant to Procedure Rule 10.1, the Corporate Director of Governance and Regulatory Services reported that the following questions had been submitted on notice by members of the public.

Question to Cllr John Mallinson

*"In response to a question at the Executive on 27 September 2021 regarding the Council's the exclusion of the James Street Baths from the maintenance programme, you replied that **"the Victorian and Turkish Baths has been taken out of the maintenance programme while the capital works are undertaken as part of the Borderlands Station gateway project as there won't be any need for maintenance during this period. Once these works are completed and assessed, the Baths will be included in the programme."***

As the Borderland Station gateway project capital works are due to commence - and may conclude - before the vesting date for the Cumberland Council, what budgetary provision has been made for the maintenance of the James Street Baths in the maintenance programme that will be transferred to the Cumberland Council?"

Councillor John Mallinson responded as follows: Once GLL had moved to The Sands, the Turkish Baths would be under the Council's control, it would consider the future maintenance of the facility as part of the development of the new Cumberland Council. The facility would be part of the asset transfer process from the City Council to the new unitary authority which was required to be completed by Vesting Day.

Cumberland Council would be responsible for determining its own financial priorities, Councillor John Mallinson felt it was extremely optimistic for the Turkish baths to be re-opened by 1st April 2023.

A Part B report was to be submitted to the Executive meeting of 25 July 2002 in relation to the Station Gateway Project and would provide further details and proposals regarding the management implications of the project.

The Mayor advised Mrs Yeates that should she wish to, she may ask a supplemental question.

Mrs Yeates asked the following supplemental question: Given the answer to the earlier question, could an assurance be given that the Turkish Baths would remain open in October 2022, and a meeting be arranged with Councillor Fryer, Leader of Cumberland Council and The Friends to discuss revenue provision for 2022/23 and 2023/24?

Councillor J Mallinson responded as follows: It was not possible to say whether the facility would remain open. He had written to Councillor Fryer on the matter of the Turkish Baths which he anticipated would generate some discussion that he would engage with.

Question to Cllr Liz Mallinson

“What steps are being taken by Carlisle City Council, in partnership with NHS England and the North Cumbria Clinical Commissioning Group, to assess the role the aqua-thermal and hydro-therapeutic facilities of Carlisle Turkish Baths play in supporting the health and wellbeing of local people”.

Councillor Mrs Mallinson responded as follows:

The benefits of aqua-thermal and hydro-therapeutic treatments to both NHS patients and the general public were well documented and understood across existing health partnerships. Reducing pain and inflammation, increasing blood flow, reducing anxiety and contribution to good mental health just a few of the positive outcomes.

This Council had a strong relationship with the NHS, both with the North Cumbria Foundation Trust and the emerging North East and North Cumbria Integrated Care System, this replaced the former Clinical Commissioning Group. In particular the Council had worked closely with the NCIC Musculoskeletal team who were playing a significant role in the Sands Centre redevelopment and would be joining GLL to open the site in September.

This Council fully understood the issues relating to the availability of hydrotherapy facilities in its part of the ICS area. Having this week been in touch with the NHS on this the Portfolio Holder had been told that at present their consultants made very few referrals for hydrotherapy treatment within the NHS and those that were go to the NHS Trust facility in Newcastle. The Council had opened a dialogue with MSK colleagues at the Trust to look into the facility.

There was no Hydrotherapy pool at the Turkish Baths and the capital and revenue costs of developing to 'NHS standard' facilities were not known. The Council awaited the business case from the Friends of the Turkish Baths when it comes to Scrutiny in August with the costings of a new Hydrotherapy Pool and the running of it including the cost of the energy and staffing

costs to run it had to be taken into account. Also to take into account with a Hydrotherapy Pool was its High Carbon Footprint and Energy consumption,

The Council were fully engaged in determining a sustainable future for the Turkish Baths, its officer team was regularly meeting with the Friends group and continued to work in partnership with the NHS to ensure that Carlisle residents had accessible health facilities. The Portfolio Holder undertook to continue to report progress to future Council meeting.

The Mayor advised Mrs Yeates that should she wish to, she may ask a supplemental question.

Mrs Yeates asked the following supplemental question: The Turkish baths were an important part of Cumbria's heritage and played an important and active role in health; could a meeting be arranged with Councillor Martin Harris, Adults Portfolio Holder, Cumberland Council, The Friends and Councillor Liz Mallinson to see how the Turkish Baths may be supported now, through Local Government Reorganisation and by Cumberland Council.

Councillor Mrs Mallinson responded that she was happy to do so.

C.95/22 Presentation of Petitions and Deputations

Pursuant to Procedure Rule 10.11, the Corporate Director of Governance and Regulatory Services reported that no deputations or petitions had been submitted by members of the public.

C.96/22 Questions from Members of the Council

(i) Pursuant to Procedure Rule 11.2, the Corporate Director of Governance and Regulatory Services to report that the following questions have been submitted by Councillor Pickstone:

“Could the Leader inform members what measures the Council, both through its own work and by working with partners, is able to put in place to help residents who are struggling as a result of the current 'cost of living crisis', both in general and also those for residents in rural areas? “

The Leader responded as follows:

The Council had a long track record of providing for residents' needs. The 'cost of living crisis' was a very broad topic, an example of the work the Council had undertaken to support residents was the disbursement of energy discount scheme payment through Council Tax. The Leader stated he would support the provision of any measures used to assist residents affected.

Councillor Pickstone asked the following supplemental question:

Residents in the rural area were impacted by the cost of fuel as there was no mains gas provision which government could do simple things to alleviate for example imposing a rural fuel duty or relaxing regulations for heating and LPG.

The Leader responded as follows:

The 'cost of living crisis' was a very serious issue which created particular pressures in the rural areas. The Leader would welcome support from government or other parties to assist in the alleviation of the extreme pressure faced by some residents.

(ii) Pursuant to Procedure Rule 11.2, the Corporate Director of Governance and Regulatory Services to report that the following question has been submitted by Councillor Dr Davison:

“Following the detailed and informative presentation to Council from the Friends of the Victorian and Turkish Baths on 26 April 2022:

1. Would the council leader give Council an update on action that the Executive has taken to ensure that the baths don't close when the baths at the Sands Centre open?
2. Has the Executive found the anticipated required monies from the council budget to pay for GLL to continue to run it and avoid the risk that it will never be able to be re-opened if it stops operating, losing this precious asset to our community permanently?
3. What is the Executive's view on the Friends' group proposal that two years' funding for the baths, to keep them open whilst the second stage of their viability study is completed, be included in the City Council's investment plan for the £4.1 million the council will be receiving from the government's UK Shared Prosperity Fund?”

The Leader responded as follows:

The issues related to the ongoing costs and operation of this facility were well documented and had been subject to discussion amongst Executive members and officers. This dialogue had led to further negotiations with the current operator GLL who would no longer be responsible for the facility once the Sands open.

Members may recall that on 25 June 2019 the Council resolved to proceed with the development of the Sands Centre and the sensitive redevelopment of the Turkish Bath / Victorian Health Suite.

At present it was anticipated that the net monthly costs of the operation of the Turkish Baths (not including the Victorian pools) would be approximately £14,750. This included a significant uplift in energy costs and GLL overheads and commission. Should the Turkish Baths continue to operate post the Sands opening then the Council would need to agree a way forward and funding for this extended period. The total potential cost to the authority in its last Council year (2022/23) was estimated to be £103,250. This amount was outside of the Council's agreed budget and policy framework and would be funded from an in year virement or a supplementary estimate. The latter would need to be agreed at Full Council.

For completeness, Councillor J Mallinson noted that these net costs, whilst significant in themselves were more concerning when considered with the number of individuals currently using the facilities. During April to end of June this year 1835 visits were made to the site. This equated to a Council cost / visit of circa £24. Although the health benefits of using these facilities was known, the subsidies were not insubstantial and needed careful consideration.

Regarding the Friends' Group two-year funding proposals and the Shared Prosperity Fund Investment Plan, the City Council was finalising its draft Investment Plans for submission to Government in August. The proposals put forward by the Friends' Group would be considered alongside all the other valuable contributions the Council had received from partners across the district and across the wider Cumberland area. The competition would be fierce as the fund was significantly oversubscribed.

The Friends' proposals, like all submissions, would need to be considered against the investment plan guidance and assessed in terms of value for money using the government assessment methods. Given that the Friends' plans related to years two and three of the Investment Plan they would also need to be considered by the new authority who would be taking responsibility for the site from April 2023. Councillor J Mallinson had written to the Leader

of the Shadow Authority to ask for his views on the future financial support of the Turkish Baths.

Councillor Dr Davison asked the following supplemental question:

Given the answer to the preceding question, may Members be provided with a timetable with an expected timetable of activity? If GLL were to take over the Turkish Baths it would need to move swiftly and assurance was needed that the relevant budget was in place. Councillor Dr Davison understood the need for due process to be carried out, she asked the Executive to making a commitment to actively pushing for the facility to remain open rather than letting it slide and close.

The Leader responded as follows:

Currently, the Sands Centre development was on schedule for The Pools to open, although the schedule was tight and there were a number of known issues. Were GLL to continue to operate the Turkish Baths it would need appropriate notice to be given. A private report on the Station Gateway project was to be submitted to the next meeting of the Executive, and discussions needed to be held with the Leader of Cumberland Council, in addition to due process work.

Whether the Turkish Baths were to remain open or to close, neither would happen as a result of time being allowed to run out.

C.97/22 Minutes of the Executive

Councillor Mallinson (J) moved, and Councillor Ellis seconded that the Minutes of the meetings of the Executive held on 25 April, 25 May and 27 June 2022 be received and adopted.

RESOLVED – That the Minutes of the meetings of the Executive held on 25 April, 25 May and 27 June 2022 be received and adopted.

C.98/22 Executive - Portfolio Holder Reports

Copies of reports from the following Portfolio Holders had been circulated prior to the meeting:

C.98/22 (i) Culture, Heritage & Leisure

The Culture, Heritage and Leisure Portfolio Holder moved his report and responded to questions regarding: Carlisle Castle, Project Tullie; Once upon a planet exhibition; Hawker Festival; and ticket prices for the City of Lights event.

RESOLVED - That the report of the Culture, Heritage and Leisure Portfolio Holder be received.

C.98/22 (ii) Communities, Health and Wellbeing

The Communities, Health and Wellbeing Portfolio Holder moved her report and responded to questions regarding: the Local Focus Hub and Anti-Social Behaviour, the recruitment of Safer Streets Officers and, the rejuvenation of Hammond's Pond.

RESOLVED - That the report of the Communities, Health and Wellbeing Portfolio Holder be received.

C.98/22 (iii) Environment & Transport

The Environment and Transport Portfolio Holder moved his report and responded to questions regarding: the submission to the government's Local Electrical Vehicle Infrastructure Fund (LEVI); the provision of electric vehicle charging points in conjunction with private sector partners; the naming of individuals successfully prosecuted for environmental crimes; the effectiveness of the Council's free of charge parking scheme.

Councillor Betton asked what the plans were in place for Stoneyholme Golf Course in the context of Local Government Reorganisation and how the Council was engaging with the facility and its users on the matter?

The Environment and Transport Portfolio Holder undertook to provide a written response.

RESOLVED - 1) That the report of the Environment and Transport Portfolio Holder be received.

2) That the Environment and Transport Portfolio Holder provide a written response to Councillor Betton regarding the plans in place for Stoneyholme Golf Course in the context of Local Government Reorganisation and how the Council was engaging with the facility and its users on the matter?

C.98/22 (iv) Economy, Enterprise and Housing

The Economy, Enterprise and Housing Portfolio Holder moved her report. In relation to the Future High Streets Fund Market Square project, the Portfolio Holder advised that arrangements were being made for an Informal Council meeting on the matter. Members asked questions in relation to: the provision of ecological housing and the design code for the St Cuthbert's Garden Village; the news that Tesco was to vacate its store at Victoria Viaduct.

RESOLVED - That the report of the Economy, Enterprise and Housing Portfolio Holder be received.

C.98/22 (v) Local Government Reorganisation Transition

The Local Government Reorganisation Transition Portfolio Holder moved his report and responded to questions.

Councillor Allison asked for further information on the background to the resignation of the Programme Director from the Local Government Reorganisation Programme Office. The Local Government Reorganisation and Transition Portfolio Holder undertook to provide a written response.

RESOLVED - 1) That the report of the Local Government Reorganisation Transition Portfolio Holder be received.

2) That the Local Government Reorganisation Transition Portfolio Holder provide a written response to Councillor Allison regarding the background to the resignation of the Programme Director from the Local Government Reorganisation Programme Office.

C.98/22 (vi) Finance, Governance & Resources

The Finance, Governance and Resources Portfolio Holder moved his report and responded to questions.

RESOLVED - That the report of the Finance, Governance and Resources Portfolio Holder be received.

C.98/22 (vii) Leader's Portfolio

The Leader moved his report.

RESOLVED - That the report of the Leader be received

C.99/22 Minutes

The Mayor moved and Councillor Glover seconded receipt and adoption of the minutes of the meetings as detailed within Minute Book Volume 49(1):

Committee	Meeting Date
Cumberland Joint Committee (to note)	30 March, 14 April, 12 May 2022
Health and Wellbeing Scrutiny Panel	7 April 2022
Economic Growth Scrutiny Panel	14 April 2022
People Panel	9 June 2022
Place Panel	16 June 2022
Regulatory Panel	20 April 2022
Licensing Committee	20 April 2022
Development Control Committee	6 April, 8 April, 11 May, 13 May, 22 June 2022
Appeals Panels	20 April, 28 April, 3 May 2022
Standards Committee	29 June 2022

RESOLVED - That the minutes of the meetings as detailed above be received and adopted.

C.100/22 Scrutiny

Copies of reports from the following Scrutiny Panel Chairs had been circulated prior to the meeting:

C.100/22 (i) Chair of the People Panel

Councillor Glover moved his Chair's Report. An element of the Panel's work related to the 'cost of living crisis' which Councillor Glover hoped may be useful in guiding the Council's response to the matter and that of the new Cumberland Council. Issues relating to housing came under the remit of the Place Panel, however, there were aspects of the topic which were relevant to the work of the People Panel. Councillor Glover requested that consideration be given to transferring elements of housing to the People's Panel remit or for the Place Panel to consider how the People Panel may incorporate relevant housing matters into its work.

Councillor Bainbridge, Chair of the Place Panel invited Councillor Glover to email him on the matter which he would then discuss with the Panel.

RESOLVED - That the Report of the Chair be received

C.100/22 (ii) Chair of the Place Panel

Councillor Bainbridge moved his Chair's Report.

RESOLVED - That the Report of the Chair be received

C.100/22 (iii) Chair of the Resources Panel

Councillor Finlayson moved her Chair's Report.

RESOLVED - That the Report of the Chair be received.

C.101/22 Notice of Motion

Pursuant to Procedure Rule 12, the Corporate Director of Governance and Regulatory Services reported that no motions had been submitted on notice.

C.102/22 Proposals from the Executive in relation to the Council's Budget and Policy Framework

C.102/22 (i) Provisional General Fund Revenue Outturn 2021/22 - Carry Forwards

Pursuant to Minute EX.70/22, consideration was given to the 2021/22 provisional outturn for the General Fund revenue budget (including Council Tax and Business Rates outturn) and requests for the carry forward of budgets. Report RD.23/22 and relevant Minute Extracts had been circulated.

Councillor Ellis moved the report which was seconded by Councillor Mallinson (J).

RESOLVED - That Council (i) Approved the carry forward requests totalling £1,967,900 to be

incurred in 2022/23 and the release of £1,967,900 in 2022/23 from the General Fund Reserve as set out in report RD.23/22 and Appendix 1;

(ii) Approved the creation of new reserves and transfers into the new and existing reserves of £2,419,124, in addition to the transfer to the building control reserve of £46,666, as detailed in paragraphs 3.2, 3.3 and 3.4 and Appendix 2 of report RD.23/22;

(iii) Approved (subject to recommendation by the Executive on 25 July) the additional transfer of £3,155,170 to the Business Rates S.31 Grant Reserve;

(iv) Approved the revised delegations for the release of the Planning Services Reserve.

C.102/22 (ii) Provisional Capital Outturn 2021/22 - Carry Forwards

Pursuant to Minute EX.71/22, consideration was given to the 2021/22 provisional outturn for the Council's Capital Programme and details of the revised capital Programme for 2022/23. Report RD.24/22 and Minute Extracts had been circulated.

Councillor Ellis moved the report which was seconded by Councillor Mallinson (J).

RESOLVED - That Council:(i) Approved the carry forward requests totalling £7,106,700 to be met in 2022/23 as set out in report RD.24/22;

(ii) Approved the reprofiling of £2,284,500 for Future High Street Fund Projects into 2022/23 as set out in paragraph 3;

(iii) Approve the revised programme for 2022/23, together with the proposed methods of financing and virement request, as detailed at paragraph 3.

C.102/22 (iii) Treasury Management Outturn 2021/22

Pursuant to Minute EX.72/22, consideration was given to the annual report on Treasury Management as required under both the Financial Procedure rules and the CIPFA Code of Practice on Treasury Management. Report RD.05/22 and Minute Extracts were circulated.

Councillor Ellis moved the report which was seconded by Councillor Mallinson (J).

RESOLVED - That the Treasury management Outturn 2021/22 (RD.05/22) be approved.

C.103/22 Code of Conduct Matter - Cllr Robert Betton

Pursuant to Minute ST.04/22, consideration was given to the finding of the Standards Committee that Councillor Betton had breached the Code of Conduct. Report GD.43/22 had been circulated. Councillor Mrs Mallinson moved the report which was seconded by Councillor Mrs Bowman.

Councillor Sunter noted the findings of the Standards Committee and the sanctions it had determined to impose, he asked whether Councillor Betton had sent the required letter of apology and commented that he believed similar sanction imposed on another Member by the Standards Committee was yet to be complied with.

Councillor Dr Davison asked for further information of the required review of the Development Control Committee's Right to Speak Policy.

The Corporate Director of Governance and Regulatory Services responded that he would formally write to the Corporate Director of Economic Development on the matter.

RESOLVED - That Council received the report (GD.43/22)

C.104/22 Proposed change to the start time of the Regulatory Panel

Councillor Ms Ellis-Williams proposed that the start time of the Regulatory Panel be changed from 2:00pm to 4:00pm and that the Licensing Committee continue to take place on the rising of the Regulatory Panel. Councillor Mrs Bowman seconded the proposal.

Councillor Sunter recalled that in a discussion on the matter altering the start time of a committee in the previous municipal year that the Leader had stated that he would support such a proposal subject to the Chair and Panel members being in agreement. Councillor Sunter noted that at the last meeting of the Regulatory Panel the matter had not been discussed, therefore he moved that the matter be referred back to the Regulatory Panel for consideration. Councillor Patrick seconded the proposal.

Councillor Sunter sought clarification as to whether his proposal constituted an amendment.

The Corporate Director of Governance and Regulatory Services advised that Councillor Sunter had effectively moved a second motion in addition to that proposed by Councillor Ms Ellis-Williams. In such circumstances it was usual to vote on motions in the order that they were submitted, unless a different order would facilitate the smooth operation of business. Given the content of the proposal, the Corporate Director suggested it would be expedient for Council to vote on Councillor Sunter's motion first and followed by Councillor Ms Ellis-Williams' proposal.

Councillor Ellis-Williams provided a personal explanation. She noted that at the recent meeting of the Regulatory Panel whereat she was appointed as Chair, a number of substitute members of the Panel were in attendance, accordingly she had not considered it appropriate to discuss the matter at the meeting. She had subsequently discussed the issue with Officers and been advised to submit the matter to Council where all Members would be in attendance.

Members expressed their views in respect of the two motions. The matter was put to the vote and it was:

RESOLVED – That the start time of the Regulatory Panel be changed from 2:00pm to 4:00pm and that the Licensing Committee continue to take place on the rising of the Regulatory Panel.

C.105/22 Committee Nominations

RESOLVED - the following changes to committee places were noted and approved:

Councillor Collier to replace Councillor Shepherd on Development Control Committee;
Councillor Ms Ellis-Williams to replace Councillor Lishman as a substitute on Development Control Committee

Councillor Shepherd to replace Councillor Collier on Regulatory Panel
Councillor Shepherd to replace Councillor Collier on Licensing Committee

C.106/22 Appointment of Chair

Pursuant to Minute AUC.19/22, and in accordance with Procedure Rule 7.30, Council was asked to appoint Chair of the Audit Committee for the 2022/23 Municipal Year.

The Leader nominated Councillor Bomford to be Chair of the Audit Committee. Councillor Mrs Bowman seconded the nomination.

Councillor Dr Tickner nominated Councillor Patrick to be Chair of the Audit

Committee. Councillor Mrs Birks seconded the nomination.

following voting it was

RESOLVED - That Councillor Bomford be appointed the Chair of the Audit Committee for the 2022/23 Municipal Year.

C.107/22 Operation of the provisions relating to call-in and urgency

Pursuant to Procedure Rule 15(j) of the Overview and Scrutiny Procedure Rules, the Corporate Director of Governance and Regulatory Services reported (GD.44/22) on the Operation of Call-in and Urgency Procedures over the past year.

RESOLVED – That report GD.44/22 be noted.

C.108/22 Communications

There were no communications or items of business brought forward by the Mayor as a matter of urgency to be dealt with at the meeting.

C.109/22 Public and Press

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A to the 1972 Local Government Act.

C.110/22 Proposals from the Executive in relation to the Council's Budget and Policy Framework

C.110/22 (i) Disposal of Property Assets

(Public and Press excluded by virtue of Paragraph 3)

Pursuant to Minute EX.89/22, consideration was given to an update on the discussions and negotiations that had taken place for the disposal of two property assets. Report GD.34/22 and minute Extracts had been circulated.

The Finance, Governance and Resources Portfolio Holder submitted the report and the recommendations therein, the proposal was seconded by the Leader.

The Finance, Governance and Resources Portfolio Holder responded to Members' questions on the report and undertook to provide a written response to a question from Councillors Tickner, Allison and Dr Davison.

RESOLVED - That Council:1) Noted that a report was presented to the Executive Meeting on the 27 June 2022 and that the Executive approved recommendations in the attached report (GD.34/22).

2) Authorised the disposal of the two property assets referred to in the main body of the report (hereafter referred to as the Subject Assets) and which were shown edged red on the attached in Appendices A and B to report GD.34/22 and noted that these disposals would be at an

undervalue.

3) That the Finance, Governance and Resources Portfolio Holder provide a written response to a question from Councillors Tickner, Allison and Dr Davison.

C.111/22 Appeals Panel Decision

Pursuant to Minute AP2.15/22, consideration was given to the recommendation of the Appeals Panel relating to a complaint regarding council tax arrears. Report RD.28/22 and Minute Extract was circulated.

Councillor Alcroft moved the recommendation as set out in the report, Councillor Mrs Bowman seconded the proposal.

RESOLVED - That Council approved the offer of a settlement payment of £500 to the complainant as set out in report RD.28/22.

The Meeting ended at: 20:58

Present: Councillor Mrs Marilyn Bowman, Councillor Nigel Christian, Councillor Gareth Ellis, Councillor Stephen Higgs, Councillor Mrs Elizabeth Mallinson, Councillor John Mallinson, Councillor Keith Meller

Officers: Town Clerk and Chief Executive
Deputy Chief Executive
Corporate Director of Governance and Regulatory Services
Corporate Director of Finance and Resources
Corporate Director of Economic Development

EX.90/22 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of the Chair of the People Panel.

EX.91/22 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

EX.92/22 PUBLIC AND PRESS

It was agreed that the items in Part A be dealt with in public and the items in private be dealt with in Part B.

EX.93/22 MINUTES OF PREVIOUS MEETINGS

RESOLVED - That the minutes of meetings of the Executive held on 25 April, 25 May and 27 June 2022 be signed.

EX.94/22 BUSINESS RATES OUTTURN 2021/22

(Key Decision – KD.11/22)

Portfolio Finance, Governance and Resources

Relevant Scrutiny Panel People

Subject Matter

The Finance, Governance and Resources presented the summary of the 2021/22 provisional outturn and performance position for Business Rates and the impact it would have on the overall General Fund Balance (RD.26/22). The report requested approval of the transfer of General Fund reserves of £425,000 subject to the recommendations of the Executive

Section 4.3 of the report recommended that £3,155,170 of the additional income recorded in 2021/22 be transferred to the Business Rates S.31 Grant earmarked reserve at 31 March 2022 and released to General Fund in 2022/23. It was also recommended that responsibility for the reserve rested with the Corporate Director of Finance and Resources and that approval to release the reserve could be given by the Corporate Director of Finance and Resources via an officer decision notice.

The People Panel had considered the matter at their meeting on 21 July 2022 (Minute Excerpt PEP.25/22 referred) and asked the Executive to consider how the additional transfer of £425,000 to the General Fund Reserves could be used to support communities and build a solid foundation for the new authority.

The Finance, Governance and Resources Portfolio Holder moved, and the Leader seconded the recommendations.

Summary of options rejected None

DECISION

That the Executive:

- (i) noted the provisional outturn position for Business Rates at 31 March 2022;
- (ii) noted the additional transfer to General Fund reserves of £425,000
- (iii) approved the transfer of the Business Rates S.31 Grant earmarked reserve as outlined in paragraph 4.3 of report RD.26/22.

Reasons for Decision

To receive the Business Rates Outturn for 2021/22

EX.95/22 CARLISLE TOWN DEAL

(Key Decision - KD.16/22)

Portfolio: Economic, Enterprise and Housing

Relevant Scrutiny Panel: Place

Subject Matter:

The Economic, Enterprise and Housing Portfolio Holder provided an update on the progress of the six Town Deal Business cases that had previously been submitted for approval for the submission to the Department for Levelling Up, Housing and Communities (DLUHC).

The DLUHC had confirmed, on 6 June 2022, that all six projects had passed through their summary document review process, the projects would proceed to the delivery stage. This formally triggered the Council's Accountable Body function which required approval for the projects to be added to the capital programme to enable grant funding agreements to be drawn up.

The Environment and Transport Portfolio Holder congratulated the team on the excellent work and highlighted the importance of the environmental aspect in the Garden Village, Station development and Carlisle Southern Gateway projects.

The Economic, Enterprise and Housing Portfolio Holder moved, and the Leader seconded, the recommendations.

Summary of options rejected: None

DECISION

That the Executive:

- (1) Gave approval for the Council to be the accountable body for the Town Deal Programme;
- (2) Approved, for recommendation to Council, a budget of £15,888,000 be added to the Council's Capital Programme, according to the financial profile for the years 2022-23, 2023-24, 2024-25 and 2025-26 as set out in Table 2 of report ED.16/22;
- (3) Approved, for recommendation to Council, a budget of £797,000 be added to the Council's Revenue Budget, according to the financial profile for the years 2022-23, 2023-24, 2024-25 and 2025-26 as set out in Table 2 of report ED.16/22;
- (4) Approved, for recommendation to Council, a budget of £3,015,000 be added to the Council's Capital Programme, according to the financial profile for the years 2022-23, 2023-24, 2024-25 and 2025-26 as set out in Table 2 of report ED.16/22 subject to final approval of the business case by the DLUHC and gave approval to delegate authority to the Corporate Director of Finance and Resources and the Corporate Director of Economic Development;
- (5) Gave approval to enter into grant funding agreements with the following organisations to enable project delivery:

Carlisle Southern Gateway – Cumbria County Council would manage and deliver the project as outlined in the approved business case for this project

Project Tullie – the Tullie House Trust would manage and deliver the project as outlined in the approved business case for this project

Digital and Community Learning Hub – Cumbria County Council would manage and deliver the project as outlined in the approved business case for this project

Carlisle Business Exchange Centre – the University of Cumbria would manage and deliver the project as outlined in the approved business case for this project

The final terms of the grant funding agreements for the four projects to be agreed by the Corporate Director of Economic Development following consultation with the Corporate Director of Finance and Resources, Corporate Director of Governance and Regulatory Services, Portfolio Holder for Economic Development and the Leader of the Council and subject to the project being assured by the agreed governance structure;

- (6) Delegated authority to the Corporate Director of Economic Development, following consultation with the Leader, the Chief Executive, the Corporate Director of Governance and Regulatory Services and the Corporate Director of Finance and Resources, to decisions relating to any Change Controls, reprofiling and redistribution of Town Deal funding;

(7) Delegated authority to the Deputy Chief Executive, following consultation with the Leader, the Corporate Director of Economic Development and the Corporate Director of Governance and Regulatory Services to enter into contract(s) with the preferred contractor(s) for the delivery of the Lighting Up Carlisle project;

(8) Delegated authority to the Corporate Director of Economic Development, following consultation with the Leader, and the Corporate Director of Governance and Regulatory Services to enter into contract(s) with the preferred contractor(s) for the delivery of the Start with the Park project.

Reasons for Decision

The successful implementation of the Town Deal programme would support the delivery of the vision set out in the Carlisle Plan, which is to enable Carlisle to grow and prosper as the capital of the Borderlands region.

The projects to be delivered through the Town Deal programme would contribute directly to the priority of delivering inclusive and sustainable economic growth, by making Carlisle a more attractive place for investment.

EX.96/22 SHARED PROSPERITY FUND INVESTMENT PLAN

(Key Decision - KD.17/22)

Portfolio: Economy, Enterprise and Housing

Relevant Scrutiny Panel: Place

Subject Matter:

The Economy, Enterprise and Housing Portfolio Holder reported that the Government had allocated £4.1 million for the Carlisle area from the UK Shared Prosperity Fund (UKSPF). To draw it down the Council must submit an investment plan to Government setting out how it intended to use and deliver the funding.

Report ED.17/22 outlined the format and the required content of the investment plan, including the arrangements for its production. In this regard, the report also sought approval from the Executive to delegate the submission of the investment plan to the Corporate Director of Economic Development in consultation with the Leader of the Council, the Chief Executive, the Monitoring Officer, and the Section 151 Officer.

The Communities, Health and Wellbeing Portfolio Holder commented that the fund was good news for Carlisle and its communities, she acknowledged the work of officers and Members in achieving the allocation.

The Economy, Enterprise and Housing Portfolio Holder moved the recommendations which were seconded by the Leader.

Summary of options rejected: To not draw down the allocated funding.

DECISION

That the Executive:

(1) Noted the format, content, and arrangements for the production of the investment plan of the investment plan outlined in Sections 2 and 3 of report ED.17/22;

(2) Delegated authority to the Corporate Director of Economic Development, following consultation with the Leader, the Chief Executive, the Corporate Director of Governance and Regulatory Services and the Corporate Director of Finance and Resources, to finalise and submit the investment plan to the Department for Levelling Up, Housing and Communities.

Reasons for Decision

The successful development and delivery of the UKSPF programme would support the delivery of the vision set out in the Carlisle Plan, which is to enable Carlisle to grow and prosper as the capital of the Borderlands region.

The projects / interventions delivered through the UKSPF programme would contribute directly to the priority of delivering inclusive and sustainable economic growth, by improving the health and wellbeing of our local communities and making Carlisle a more attractive place for investment.

EX.97/22 NOTICE OF EXECUTIVE KEY DECISIONS

(Non Key Decision)

Portfolio: Cross Cutting

Relevant Scrutiny Panel

Place Panel; People Panel; Resources Panel

Subject Matter:

The Notice of Executive Key Decisions dated 24 June 2022 was submitted for information.

Summary of options rejected None

DECISION

That the Notice of Executive Key Decisions dated 24 June 2022 be received.

Reasons for Decision Not applicable

EX.98/22 SCHEDULE OF DECISIONS TAKEN BY THE LEADER - PORTFOLIO HOLDERS

(Non Key Decision)

Portfolio Cross Cutting

Relevant Scrutiny Panel

People Panel; Place Panel; Resources Panel

Subject Matter

Details of decisions taken by the Leader / Portfolio Holders under delegated powers were submitted.

Summary of options rejected None

DECISION

That the decisions, attached as Appendix A, be noted.

Reason for Decision Not applicable

EX.99/22 SCHEDULE OF DECISIONS TAKEN BY OFFICERS

(Non Key Decision)

Portfolio Cross Cutting

Relevant Scrutiny Panel

People Panel; Place Panel; Resources Panel

Subject Matter

Details of decisions taken by Officers under delegated powers were submitted.

Summary of options rejected None

DECISION

That the decisions, attached as Appendix B, be noted.

Reason for Decision Not applicable

EX.100/22 JOINT MANAGEMENT TEAM

(Non Key Decision)

Portfolio Cross Cutting

Relevant Scrutiny Panel

People Panel; Place Panel; Resources Panel

Subject Matter

The minutes of the meeting of the Joint Management Team on 27 June 2022 were submitted for information.

Summary of options rejected None

DECISION

That the minutes of the meeting of the Joint Management Team held on 27 June 2022, attached as Appendix C, be received.

Reasons for Decision Not applicable

EX.101/22 PUBLIC AND PRESS

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

EX.102/22 CARLISLE STATION GATEWAY

(Public and Press excluded by virtue of Paragraph 3)

(Key Decision - KD.12/22)

Portfolio Leader

Relevant Scrutiny Panel Place

Subject Matter:

The Leader reported that the Borderlands Inclusive Growth Deal had committed £20m towards the delivery of the Carlisle Station Gateway project. Cumbria County Council would be the recipient of the Borderlands grant funding and would deliver the early phases of the project with Cumberland

Council taking responsibility for the project from April 2023. Carlisle City Council continued to play a key role in the development of this transformational project, working in partnership with the County Council.

The report provided an overview of the Carlisle Station Gateway project and the role of the City Council to enable its delivery i.e., the transfer of its land assets to the County Council so that the site could be assembled and handed over to the contractors appointed to undertake the works. The proposed properties to be transferred were outlined in red in the plan contained in Appendix 2 of report ED.18/22.

The Leader moved the recommendations and the Economy, Enterprise and Housing Portfolio Holder seconded them.

Summary of Options rejected not to transfer the land assets

DECISION

That the Executive:

(1) Noted the Carlisle Station Gateway project proposals and the site assembly and land transfers required to enable its delivery;

(2) Gave approval to the disposal of The Pools site and the public toilets at Court Square to Cumbria County Council at nil consideration on final terms to be agreed by the Head of Property Services following consultation with the Leader of the Council and the Corporate Directors of Economic Development and Governance & Regulatory Services;

(3) Approved report ED.18/22 going forward to Council for approval to dispose of the properties at less than best consideration;

(4) Following the disposal of the Pools Site, approved that the Council entered into a leaseback of the Victorian Health Suite at nil rent with the County Council on final terms to be agreed by the Head of Property Services following consultation with the Leader of the Council and the Corporate Directors of Economic Development and Governance & Regulatory Services.

Reasons for Decision

The Carlisle Station Gateway project would support the delivery of the vision set out in the Carlisle Plan, which is to enable Carlisle to grow and prosper as the capital of the Borderlands region. It also contributed directly to the priority of delivering inclusive and sustainable economic growth, by making Carlisle a more attractive place for investment, improving skills and drive key sector development.

EX.103/22 DISPOSAL OF ASSET

(Public and Press excluded by virtue of Paragraph 3)

(Key Decision KD.15/22)

Portfolio Finance, Governance and Resources

Relevant Scrutiny Panel Place

Subject Matter

The Finance, Governance and Resources Portfolio Holder provided an update on the proposed disposal of 15 Manor Road, Upperby (GD.36/22).

The Finance, Governance and resources Portfolio Holder moved the recommendations which were seconded by the Leader.

Summary of options rejected Not to dispose of the asset

DECISION

That the Executive:

(1) Authorised the disposal of the property asset at 15 Manor Road, Upperby, Carlisle, CA2 4LH (hereafter referred to as the Subject Asset) which is shown edged red on attached Plan 1 that forms Appendix 1 to report GS.36/22;

(2) Authorised the Corporate Director of Governance and Regulatory Services to finalise and

agree the heads of terms and complete the disposal of the Subject Asset provided that the Head of Property Services is satisfied that the disposal represents best consideration;

(3) In the event of the proposed disposal not proceeding as planned the Corporate Director of Governance and Regulatory be authorised to re-market the Subject Asset by any appropriate property disposal method, such as a sale by auction, and agree the heads of terms for its disposal provided:

- a. The Subject Asset is exposed to the open market
- b. The Head of Property Services is satisfied that the disposal represents best consideration
- c. The disposal is progressed at a value that is equal to or greater than £160,000 (one hundred and sixty thousand pounds);

(4) Authorised the Corporate Director of Governance and Regulatory Services to complete all necessary legal and other relevant documentation required to progress the disposal of the Subject Asset.

Reason for Decision

Although not in the current Asset Disposal Plan (Report GD.91/18) the generation of a capital receipt as proposed would assist with generating capital to help fund major investment opportunities for developing Carlisle as the regional capital, and/or assist with creating additional income generating opportunities that would support the delivery of Council front line services.

The Meeting ended at: 16:08

Below is a list of decisions taken by Individual Portfolio Holders acting under delegated powers, full details can be viewed on the Council's website www.carlisle.gov.uk:

PF.2/22

Business Rates Outturn 2021/22

Portfolio Holder who made the Decision:

Councillor Gareth Michael Ellis

Portfolio Area:

Subject Matter:

To allow the Business Rates Outturn Report 2021/22 to be submitted to People Panel for scrutiny and comment prior to being considered by Executive.

Summary of Options rejected:

For Executive to consider the Business Rates Outturn Report, refer it to Scrutiny for comment.

DECISION

To allow the Business Rates Outturn Report 2021/22 to be scrutinised by People Panel on 14 July 2022 prior to being considered and approved by Executive on 25 July 2022.

Reasons for Decision

To allow People Panel to scrutinise and make comments on the Business Rates Outturn Report prior to it being considered and approved by Executive

Background Papers considered:

Business Rates Outturn Report 2021/22

Date Decision Made:

29 June 2022

Implementation Date:

Officer Decisions

Appendix B

Below is a list of decisions taken by Officers which they have classed as significant, full details and supporting background documents can be viewed on the Council's website www.carlisle.gov.uk/CMIS/

Decision Ref No	Title: Subject and Decision Taken:	Reports and Background Papers considered:	Date Decision Taken:	Decision Maker:
OD.72/22	The Lanes Shopping Centre, Carlisle Three retail units in The Lanes Shopping Centre, Carlisle - Decision to grant consent to head-lessee to agree two lease renewals and one new lease.	None	17 June 2022	Corporate Director of Governance & Regulatory Services
OD.76/22	Civic Centre redevelopment: consultants claim for additional activity The Council has received a claim for further costs associated with Tetra Tech consultancy works on the Civic Centre redevelopment. These costs have been assessed by the Council's Client Project Team and a negotiated final figure has been agreed and paid to Tetra Tech. Council will meet this cost from within the final project fund as agreed as a part of the 2021/22 outturn.	Private and not for publication: Appendix A: Tetra Tech - A095945-3 Variation Appendix B: CCC Final account Certificate (Claim Only) Appendix C: Tetra Tech final account (claim only) invoice It is considered that the financial details of this ODN be exempt from publication in accordance with paragraph 10.4(3) of Schedule 12A(3) of the Local Government Act 1972 on the grounds that the information contained within the submitted appendix relates to the financial or business affairs of a Council contractor.	04 July 2022	Deputy Chief Executive

OD.77/22	Land at Castle Car Park and Bitts Park Carlisle Decision to grant temporary licence for storage, works compound and access on a section of Castle car park and within Bitts park adjacent to Caldew Viaduct	None	29 June 2022	Head of Property Services
OD.78/22	Landlord's consent to a lease renewal of unit 72 at The Lanes Shopping Centre, Carlisle. To grant Landlord's consent to a lease renewal of unit 72 at The Lanes Shopping Centre, Carlisle.	None	29 June 2022	Head of Property Services
OD.79/22	Carlisle City Centre Pavement Café Licence issued: - Stanley's Bar (6A Lowther Street). Franco's Restaurant. Nando's Carlisle. Charitable Street Collection Permits issued: - Cumbria Blood Bikes – 18 June 2022. Eden Valley Hospice – 20 June 2022. Hidden Hearing – 23 June 2022. Hospice at Home – 24 June 2022	Applications received – Private Not for Publication by Virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act.	04 July 2022	City Centre Officer
OD.80/22	Elected Member Training Councillor Glover to attend Inclusive Learning Partnership on 5 th July at Prism Arts Carlisle at a cost of £25.00.	None.	24 June 2022	Deputy Chief Executive
OD.81/22	Briar Bank Play Area The existing play area at Briar Bank, Belah, is approximately 20 years old and has reached the end of its life. This project will deliver a complete replacement of all equipment and surfacing at the site,	None	04 July 2022	Deputy Chief Executive

	<p>upgrading play value and accessibility for users of all ages and abilities.</p> <p>A Section 106 agreement between Gleeson Regeneration Ltd (developers of the nearby Deer Park estate) and the City Council, with a total of £16,454.23 available for the improvement of play facilities at Briar Bank, will be utilised to fund this project, alongside 2022/23 play areas capital funding.</p> <p>An online and hard-copy consultation questionnaire for play area improvements was produced and widely advertised, with approximately 50 responses received over four weeks.</p> <p>The feedback received was used to draw up specification documents for a fixed budget project to deliver upgrades to the play area. This was tendered to suppliers via the City Council's Play Areas Framework Agreement in April 2022.</p> <p>Designs and quotations were received from three play equipment suppliers and, following tender scoring, the decision was made to award the contract to Playdale Playgrounds Ltd for a total value of £64,043.59</p>			
OD.82/22	<p>Esk Road Play Area</p> <p>The existing play area at Esk Road, Lowry Hill, has reached the end of its life, some of the equipment is over 30 years of age and is deteriorating. This project will deliver a complete replacement of all equipment and surfacing at the site, targeted at toddlers and younger children.</p> <p>This project will be financed from the 2022/23 play areas capital funding allocation.</p> <p>An online and hard-copy consultation questionnaire for play area improvements was produced and advertised, with over 30 responses received.</p>	None	04 July 2022	Deputy Chief Executive

	<p>The feedback received was used to produce a specification for a fixed budget project to deliver upgrades to the play area equipment and surfacing. This was tendered to suppliers via the City Council's Play Areas Framework Agreement in April 2022.</p> <p>Designs and quotations were received from five play equipment suppliers and, following tender scoring, the decision was made to award the contract to Kompan Scotland Ltd for a total value of £21,914.69.</p>			
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JOINT MANAGEMENT TEAM**MINUTES – 27th June 2022**

Attendees	Leader; Deputy Leader; PH Culture, Heritage & Leisure; PH Environment & Transport; PH Economy, Enterprise & Housing; PH Communities, Health & Wellbeing; Chief Executive; Deputy Chief Executive; Corporate Director of Governance & Regulatory Services; Corporate Director of Finance & Resources; Corporate Director of Economic Development
Apologies	PH Local Government Reorganisation Transition

Agenda Item 1 – Minutes of Meeting 25th May 2022	Action
Noted and agreed	
Agenda Item 2 - Local Government Reorganisation	
The Chief Executive updated attendees with information available at this time	
Agenda Item 3 – Updates on Borderlands; The Sands; St Cuthbert's Garden Village; Central Plaza; Turkish Baths	
Members of SMT attending provided the Executive with their update on the current position regarding each area	

Agenda Item 4 – Future Items for Notice of Executive Key Decisions	
Noted, discussed and agreed	
Agenda Item 5 - JMT Forward Plan	
Noted	

People Panel

Date: Thursday, 14 July 2022

Time: 10:05

Venue: Flensburg Room

Present: Councillor Mrs Christine Finlayson, Councillor Colin Glover, Councillor Mrs Ann McKerrell, Councillor Mrs Linda Mitchell, Councillor Tim Pickstone (until 1.00pm), Councillor David Shepherd, Councillor Christopher Wills, Councillor Pamela Birks (for Councillor Miss Jeanette Whalen)

Also Present: Communities, Health and Wellbeing Portfolio Holder
Environment and Transport Portfolio Holder
Mr McNulty, Chair, Carlisle Foodbank
Mr Auld, Chief Executive, Carlisle and Eden Citizens Advice Bureau
Mr Rasbash, Strategic Policy and Scrutiny Adviser, Cumbria County Council

Officers: Health and Wellbeing Team Manager
Healthy City Team Manager
Policy and Communications Manager
Head of Financial Services (Deputy S.151)

PEP.16/22 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Miss Whalen and the Corporate Director of Finance and Resources.

PEP.17/22 DECLARATIONS OF INTEREST

In accordance with the Council's Code of Conduct Councillor Shepherd declared an interest in agenda item A.3 - Citizens Advice Carlisle and Eden Update. The interest related to his appointment as Carlisle City Council representative on the Citizens Advice Bureau Carlisle and Eden.

PEP.18/22 PUBLIC AND PRESS

RESOLVED - That the items in Part A be dealt with in public and the items in private be dealt with in Part B.

PEP.19/22 MINUTES OF PREVIOUS MEETING

RESOLVED - That the minutes of the meeting held on 9 June 2022 be agreed as a correct record.

PEP.20/22 CALL-IN OF DECISIONS

There were no items which had been subject of call-in.

PEP.21/22 FOOD SECURITY

The Healthy City Team Manager submitted an update from the Chair of Carlisle Foodbank (CS.26/22)

The Healthy City Team Manager reported that as pressures on communities across Carlisle had increased in recent years, issues relating to local food security had also increased. This was exemplified by Carlisle Foodbank facing almost a doubling in demand for their support since January this year.

Foodbank Carlisle were a not-for-profit voluntary organisation, set up 12 years ago in response to growing needs amongst local people for essential food items. They provided emergency food parcels to people through a referral system that identified households in most need of support. The Foodbank recently set up as a Community Interest Organisation (CIO) which had provided them with increased governance and potential sustainability. From their base on West Tower Street, Carlisle, they received, repackaged and distributed food parcels to those people who needed them most. Although the project started as a temporary response to the needs at the time, over 12 years later they were still providing a service which was in as much need as ever.

Lockdown was a particularly difficult time for many families, with food security issues leading to the creation of community-led responses, including the establishment of new, open-access affordable food outlets. Users of these facilities did not need to be referred. The increase in activity around affordable food also led to some confusion amongst donors regarding who was receiving the donation and created risks of competition for finite supplies of donated items. To help manage those potential problems effectively, a Food Security Network was established during the pandemic to bring together the different organisations involved in different aspects of addressing those issues. It was hoped that the Network could provide a forum for better coordinating food outlets, understanding food needs across the City and educating people on the difference between affordable food and emergency food, so that they could make an informed choice on who they donated and/or referred those in need to.

Mr McNulty, Chair of Carlisle Foodbank, stressed that the Foodbank had been a temporary arrangement and work was now needed to make it sustainable. Due to the increased demand on the service and the reduction in donations, the Foodbank had to use their own monies to provide food, this was not a sustainable situation. He explained that the welfare referral system worked well and the Foodbank were part of a network of support for people in crisis. The Foodbank worked closely with the City Council to ensure that the correct advice and support was being provided.

Mr McNulty drew the Panel's attention to the statistics in the report showing the increase in referrals and a break down of the areas in Carlisle that the referrals came from.

In considering the report Members raised the following comments and questions:

- Who was involved in the Food Security Network?

The Healthy City Team Manager responded that the Network was made up of Carlisle City Council, Cumbria County Council and some food hub partners. The Network met bi-monthly

however they would meet more regularly due to the 'cost of living crisis'.

Mr McNulty added that the Foodbank had some concerns regarding the Network not reaching its full potential and also the decision making process. He clarified that the Foodbank provided emergency food for those at crisis point, the referral system and welfare support which was in place worked well. He felt that the affordable food projects had impacted on the donations to crisis food. There were excellent hubs in the area but there was no evidence that the affordable food hubs were reducing the crisis need.

- Would it be possible to promote the difference between the Foodbank and affordable food to give more clarity to those making donations.

The Healthy City Team Manager explained that the matter had been discussed at the previous Network meeting and it had been suggested that Mr McNulty would look at providing training to Council staff to ensure that the correct advice and signposting was given.

- The Panel asked what Members could do to help the Network reach its potential.

Mr McNulty responded that the Foodbank welcomed the discussions of the Network, noting that actions were limited. He suggested that the terms and conditions of the Network be refreshed and that the Network be extended to include more groups.

The Healthy City Team Manager offered to support the Food Security Network in refreshing their Terms and extending the invitation to more partners and organisations.

- There was concern that there was some stigma in using the Foodbank and that those in need may not have the confidence to seek the help needed. A Member asked if other ways of providing food had been considered such as prepaid cards for supermarkets.

Mr McNulty agreed it could be difficult for people to access the help they need. The Foodbank tried to ensure that the users experience was as valuable as possible, they aimed to make a difference to people as soon as they walked through the door. He added that welfare agencies worked hard to make the users feel valued and reduce the stigma. He explained that the Food Pantry model was a good example of a subsidised shopping experience, however there were waiting lists to join those schemes and they did not provide the crisis support that the Foodbank did.

In response to a further question Mr McNulty explained that the emergency bags of food provided were as nutritionally balanced as possible and were tailored to users. It was difficult for some affordable food places to provide a variety of food as they relied on what was available to them.

- Were there any Foodbank collection points outwith the City Centre?

Mr McNulty explained that if a referral was from outside of the City but could not afford to travel to the Foodbank they would be provided with a bus ticket, this arrangement had been reached in partnership with Stage Coach. The Foodbank was keen to establish collection points in Brampton and Longtown, however he felt that the Food Security Network should be looking at the good projects which were in rural areas which needed additional resources.

The Communities, Health and Wellbeing Portfolio Holder agreed that more joined up thinking was required, and that the membership of the Food Security Network should be considered. There were many issues , globally, that would impact food security in the country and consideration needed to be given to how this would be managed. She noted that food

security was linked to the wider picture of poverty / poor diet / poor housing. There needed to be better engagement with local communities, including rural areas, to work together and support each other.

-Welfare support such as the Foodbank relied heavily on volunteers, how could some resilience be built into the system?

The Health and Wellbeing Manager replied that the CVS led the Carlisle Community Groups Network, the City Council did support this.

- How did the Foodbank manage food donations from large supermarkets?

Mr McNulty responded that the Foodbank warehouse was set up to hold all of the food donated, including fresh and frozen, The food was sorted and distributed by excellent volunteers and the Centre Manager. Some supermarkets donated food or provided food at a discounted price. The opening hours of the Foodbank were being reviewed to deal with the increase in demand and to ensure that those being referred were being supported properly.

- A Member commented that the current situation with regard to food security and cost of living was an emergency and something needed to be done to address it.

- Community food production was highlighted as an opportunity to help alleviate food crisis in the community.

The Healthy City Team Manager highlighted successful community food production projects within the City and acknowledged that allotment holders may have surplus food that could be donated. She agreed to explore this opportunity further.

- How were those in crisis supported with costs of cooking as energy costs increase.

Mr McNulty acknowledged the issues those in crisis had in heating food, as a result the Foodbank were providing more food that could be cooked using a microwave only. In addition support was available for those individuals who were struggling with the energy costs via a voucher scheme.

- There was concern that individuals who had disabilities or limited mobility were not able to access crisis support, in addition those that were not able to leave their house needed the heating etc on and would be significantly impacted by the energy price increase.

The Healthy City Team Manager responded that the Citizens Advice Bureau were very good at providing help and circulating information on support that was available to people in need.

RESOLVED - 1) That Mr McNulty, Chair of the Carlisle Foodbank be thanked for his informative presentation to the Panel (CS.26/22);

2) That the Panel welcomed the training from Mr McNulty and asked that the training be extended to Members;

3) The Panel welcomed the offer of support from Council Officers to the Food Security Network to make the best use of the resources available;

4) That a Cost of Living Crisis Task and Finish Group be established to investigate further the impact of the cost of living crisis and food security on residents. The Task and Finish Group would provide evidence based reports which would be submitted to the Cumberland Council.

PEP.22/22 CITIZENS ADVICE CARLISLE & EDEN - UPDATE PRESENTATION ON WORK AND ISSUES FOR LOCAL RESIDENTS

The Healthy City Team Manager presented the work of Citizens Advice Carlisle and Eden (CAB), as they worked with City Council support, to assist residents of Carlisle and District.

Mr Auld, Chief Executive of Citizens Advice Carlisle and Eden, was in attendance to brief Members on the issues facing local residents.

Mr Auld informed the Panel that the CAB provided an independent, impartial advice service via a mixture of paid and voluntary staff. The CAB received financial support from the Council but it had not received an uplift in support for ten years.

Mr Auld set out the top five enquires for support for 2021/22 adding that there had been an increase in employment advice and utilities advice in the last twelve months. Mr Auld provided the Panel with detailed statistics from the CAB and the changes to the demographics of those who sought advice. He explained there had been an increase in those presenting with mental health issues and he outlined the holistic approach that provided by the CAB and partners.

The increase on demand to the service had resulted in budgetary pressures. The CAB used statistical data to identify the key areas of required support and forward plan potential challenges. Mr Auld highlighted the challenges with staff recruitment and retention, the CAB had excellent staff who were trained to a very high level, this meant they were in demand and the CAB could not match wages being offered elsewhere.

Mr Auld stated that the Local Government Reorganisation created funding uncertainty at a time when all available grants had reduced. He outlined some of the work the CAB were involved in including rural services and projects with the NHS. He reiterated that services were under a tremendous amount of pressure due to debt, energy costs, benefits demand and it was likely to get worse.

In considering the report and Mr Auld's presentation the panel raised the following comments and questions:

- Referring to the increase in energy prices, a Member noted that some companies were offering reduced payments which would not, ultimately, cover the cost of the energy bill. Would this impact the service as debt increased?

Mr Auld was aware of the offers being made by some companies to help with fuel costs but agreed it was moving the problem to a future time as the debt would still be there. The CAB provided advice on switching energy providers but this had become limited and there was now no long term help for people. He was aware of grants being given to eligible households, the money was often needed elsewhere and was not being used on energy costs, it would have been helpful for the grants to go direct to the energy bills.

- The eviction embargo had ended, and cases were being progressed through the court system. Was the potential impact of the evictions being monitored?

Mr Auld confirmed that the CAB had been made aware that social housing providers were beginning to start eviction processes, the situation and potential impact on the service was being monitored closely.

- Was there a change in the demographic of people accessing the CAB services?

Mr Auld responded that there had been an increase in households with up to £30,000 annual income accessing services. There was also an increase in request for advice from women under 35.

- The strength of the CAB were the staff, Members were concerned to hear that there was difficulty in recruitment / retention and asked what could be done to assist with the issue.

Mr Auld explained that the CAB had managed to retain contracts and had applied for additional funding to support the service. The CAB were looking at recruiting people who could maintain the remote service and free up local people to deal with face to face matters. The CAB were trying to be creative in how the services were provided in order to help as many people as possible.

The Healthy City Team Manager added that Age UK were training energy advisers and it was hoped that this would alleviate some of the demand on the CAB.

- How did the CAB support individuals who had mental health issues who did not know where to turn or how to access support.

Mr Auld responded that it was difficult to support people who did not reach out for help. If the CAB were contacted they would provide advice, support and signposting as required. A lot of work was being carried out with other organisations such as Mind to help those with mental health issues.

- Was there a waiting list to access CAB services?

Mr Auld confirmed that there was a 2 - 3 day waiting list for triage, then depending on the service required, there was a 1 to 4 week wait for an appointment.

- The CAB covered areas which would be in both of the new Unitary Authorities, was there anything the new authorities could do to support the work?

Mr Auld did not expect a lot of change for the CAB initially. The Reorganisation presented another challenge for the CAB but collaborative work already took place within Carlisle, Copeland and Allerdale areas and less so in the south of the County.

RESOLVED - 1) That Mr Auld, Chief Executive of Citizens Advice Carlisle and Eden, be thanked for insightful and informative presentation (CS.25/22)

2) That the work of the CAB and the statistical information they hold be incorporated into the work of the Cost of Living Crisis Task and Finish Group;

3) That the Panel asked, in light of the current cost of living crisis and the impact on demand for services, that the Executive give consideration to increasing the Carlisle City Council grant funding to the Citizens Advice Bureau.

The meeting adjourned at 12:00 and reconvened at 12:05.

PEP.23/22 CUMBRIA COUNTY COUNCIL COST OF LIVING PROGRAMME

Mr Rasbash, Strategic Policy and Scrutiny Adviser, Cumbria County Council, provided information on Cumbria County Council work on cost of living issues.(OS.18/22)

Mr Rasbash reported that costs of living were rising nationally, this picture was reflected in Cumbria. Impacts of the rising cost of living were disproportionately felt by lower income households. He gave an overview and background of the statistics included within his report.

In considering the report Members raised the following questions and comments:

- Given the increase in energy costs, what support was in place to support older people who were living on their own?

Mr Rasbash confirmed that the DWP funding had a condition that at least 33% of the funding had to go to households with pensioners, this meant £1m was ring fenced. This was an area with low uptake as a result Cumbria County Council were working with agencies and care providers to encourage those who were eligible to access the money,

- The increase in the number of children eligible for free school meals would lead to an increase in Pupil Premiums for the schools, were there any opportunities to work with schools to help alleviate food poverty?

Mr Rasbash responded that there was an excellent network of schools working with child poverty along with a dedicated County Officer specifically for the poverty programme. He suggested that the Panel's Task and Finish Group could engage with schools in the process of developing a holistic approach as they knew what the needs of the children were.

- As fuel costs rose was there any funding that could support people with travel costs to work or for education?

Mr Rasbash explained that it was difficult to provide direct support through the funding, however, the funding helped with other household costs which would impact on the affordability of travel costs.

- The presentation detailed a shortfall between financial support provided during the pandemic and now, how much of a shortfall was there given the funding that was being provided.

Mr Rasbash stated that the funding gap was significant, the £20 uplift that had been provided during the pandemic was a significant amount of money that was difficult for local authorities to replace.

The Communities, Health and Wellbeing Portfolio Holder noted that the answers to many of the questions being asked by the Panel were available in other places, she suggested that a fact sheet be produced to provide Members with signposting information to the support available.

- There had been a significant rise in those in employment claiming Universal Credit, was there anything in place to support families with child care during the summer?

Mr Rasbash responded that there was limited support available, he agreed to look at early years support further with providers.

A Member highlighted the changes that were taking place linking tax credits to the Universal Credit and the impact this may have on families income.

Mr Rasbash confirmed that he was aware of the changes, stating that stronger lobbying was required to make government aware of the impact of the changes they proposed.

RESOLVED - 1) That Mr Rasbash, Strategic Policy and Scrutiny Adviser, Cumbria County Council, be thanked for his in depth presentation and responses to questions (OS.18/22);

2) That the communications channels for the support available be enhanced and promoted through local and social media;

3) That the work being undertaken by the Strategic Policy and Scrutiny Adviser be incorporated into the Cost of Living Crisis Task and Finish Group.

PEP.24/22 THRIVING COMMUNITIES

The Healthy City Team Manager provided a report on the first phase of Thriving Communities Carlisle and update the Panel on the plans for the next stages. (CS.24/22)

The Healthy City Team Manager informed the Panel that the overarching aim of the Thriving Communities Carlisle was to help deliver Healthy City outcomes by developing a network of social prescribing partnerships and activities that met the needs of residents in Carlisle & North Cumbria, with a particular emphasis on people impacted by loneliness and isolation following Covid-19.

It was a partnership project involving Carlisle City Council, Susie Tate, Carlisle Healthcare, Prism Arts, Tullie House and Cumbria Wildlife Trust. Funding had been secured from the Thriving Communities Fund, thanks to the National Academy of Social Prescribing, Arts Council England, Natural England and Historic England, with support from NHS England, NHS Improvement, Sport England, the Office for Civil Society, the Money and Pensions Service and NHS Charities Together.

The Healthy City Team Manager outlined the Carlisle Programme and outcomes. She reported that the Thriving Communities Evaluation Report 2021/22 had been received prior to the meeting and agreed to circulate a copy to Members.

The Communities, Health and Wellbeing Portfolio expressed her gratitude to all officers involved in the very successful programme. Officers had worked in partnership with organisations, supported by Members, to produce a programme which gave real benefits to the community.

A Member felt that planting orchards through community food production programmes was achievable and something that the Council could do as a legacy for the new authority.

The Healthy City Team Manager agreed it would be beneficial and highlighted a community allotment in Upperby where fruit trees had been planted.

RESOLVED - 1) That the Thriving Communities report be received (CS.24/22);

2) That the Healthy City Team Manager circulate a copy of the Thriving Communities Evaluation Report 2021/22 to all Members of the Panel.

PEP.25/22 STANDING ORDERS

RESOLVED - That Council Procedural Rule 9, in relation to the duration of meetings be suspended in order that the meeting could continue over the 3 hour time limit.

PEP.26/22 BUSINESS RATES OUTTURN 2021/22

The Head of Financial Services submitted a summary of the 2021/22 provisional outturn and performance position for Business Rates and the impact it would have on the overall general Fund Balance (RD.26/22).

The Panel congratulated the Financial Services Team for their excellent work in delivering the successful Business Rates Outturn.

RESOLVED - That the Panel asks the Executive to consider how the additional transfer of £425,000 to the General Fund Reserves could be used to support communities and build a solid foundation for the new authority (RD.26/22)

PEP.27/22 OVERVIEW REPORT

The Policy and Communication Manager submitted report OS.17/22 which provided an overview of matters relating to the work of the People Panel.

In considering the work programme the Panel agreed to defer the Youth Projects item until the schools returned.

A Member requested that homelessness be added to the Panel's work programme. The Chair responded that homelessness fell within the Place Panel's remit and discussion were taking place to determine where the matter should be scrutinised.

RESOLVED - That the Overview Report, incorporating Key Decision items relevant to the People Panel be noted. (OS.17/22)

The Meeting ended at: 13:22

Present: Councillor Trevor Allison, Councillor James Bainbridge, Councillor Ms Jo Ellis-Williams (until 17:38), Councillor Mrs Anne Glendinning, Councillor Mrs Linda Mitchell, Councillor Michael Mitchelson, Councillor Peter Sunter, Councillor Dr Les Tickner

Also Present: Councillor Mallinson - Leader
Councillor Ellis - Finance, Governance and Resources Portfolio Holder
Councillor Christian - Environment and Transport Portfolio Holder
Councillor Mrs Bowman - Economy, Enterprise and Housing Portfolio Holder

Officers: Corporate Director of Economic Development
Policy and Communications Manager
Overview and Scrutiny Officer

PLP.10/22 APOLOGIES FOR ABSENCE

No apologies for absence were submitted.

PLP.11/22 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

PLP.12/22 PUBLIC AND PRESS

It was agreed that the items in Part A be dealt with in public and the items in private be dealt with in Part B.

PLP.13/22 MINUTES OF PREVIOUS MEETINGS

RESOLVED - The minutes of the meeting held on 16 June 2022 were agreed as a correct record.

PLP.14/22 CALL-IN OF DECISIONS

There were no items which had been subject of call-in.

PLP.15/22 LOCAL ENVIRONMENT (CLIMATE CHANGE) STRATEGY UPDATE

The Policy and Communications Manager presented an update on the delivery of the Local Environment (Climate Change) Strategy (PC.09/22).

The Policy and Communications Manager gave a brief overview of the background to the

Strategy and updated the Panel on National policies, strategies and reports. He detailed the Countywide partnership work that was being undertaken and provided an update on the Organisational Actions and selected 'Local Actions'.

In considering the update Members raised the following comments and questions:

- Who represented Carlisle City Council on the Local Authority Climate Change Policy Group and were minutes of the meetings available to Members?

The Policy and Communications Manager reported that he was the Council representative on the Group; he agreed to circulate the last set of minutes to the Panel.

- Did the projected 8% reduction on the Council's Scope 3 (Leisure) emissions account for the Turkish Baths being open or closed?

The Policy and Communications Manager explained that the base line information was 2018/19 data, the 8% estimate was based on the pools being a single site operation. The Borderlands Project or Council decisions had not yet been factored into the calculations, a renewed base line would be produced next year, as result the Council's Scope 3 emissions projections would be recalculated.

The Environment and Transport Portfolio Holder clarified that a facility remaining on site would be an increase in the emissions which would be against Council policies.

The Corporate Director of Economic Development added that the facility would be subject to other legislation such as Building Control and it was likely a heating system review would be required. The impact on emissions would need to be included in the business case for any proposals for the Turkish Baths.

A Member commented that it was irrelevant whether the emissions were in the Council Scope or not, there would still be an increase in emissions. She asked if would be possible to calculate the emissions from the Turkish Baths.

The Policy and Communications Manager agreed to provide a written response.

- Who used the two e-bikes which had been purchased?

The Policy and Communications Manager explained that the e-bikes were located at Bousteads Grassing for the purpose of short site to site journeys. Individuals were required to pass a health and safety test before using them. It was hoped that the e-bikes would help change attitude to travel and that change would be embedded in Council operations. In response to a further question the Policy and Communications Manager reported that individuals using the e-bikes had appropriate outdoor wear for all weather use.

In discussing cycling in Carlisle, Members felt that there had to be an acknowledgement that cycling was not an option for everyone and alternative methods of transport, outside of car use, could be expensive especially for families travelling together. Work had to be undertaken with bus companies to reduce costs and increase travel options.

The Leader commented that there needed to be the same focus on cycle and pedestrian ways as there was for roads. Pathways and cycle paths needed to be better maintained to encourage more use.

- A Member asked for further information on the Heat Network Zone Pilot and highlighted the

high density terraced houses where the project could work.

The Policy and Communications Manager responded that the Pilot was at the work shop stage and further information was not available yet.

The Environment and Transport Portfolio Holder give an overview of how the system worked in other countries and the possibilities for Carlisle.

- The report included government policies relevant to Local Authorities, there was some concern regarding the ambitions in the document and the impact that they would have on local authorities.

- Where would data regarding the emissions from the annual fire show be included in the summary of local authority territorial greenhouse gas emissions estimates and were those readings available?

The Policy and Communications Manager clarified that the the greenhouse data was a new data set and covered the entire public sector not just Carlisle City Council.

- A Member highlighted agricultural emissions and detailed a new feed process which could significantly reduced the emissions.

The Environment and Transport Portfolio Holder acknowledged that work was needed to address the emissions and discussions were taking place with Zero Carbon Cumbria Partnership (ZCCP) who were looking at this issue.

The Panel discussed the global impact of changes to agriculture and the future impact of decisions being taken now. Current global issues and decisions taken some time ago were reducing availability of some produce, the impact was either very expensive produce or no produce at all.

- The report was very complex, Members felt that more work should be done to simplify the information and engage with the public to help them reduce their own carbon footprint.

The Policy and Communications Manager responded that the community engagement information was crafted for public use and understanding. Individual's carbon footprint information was a different message, the Council needed to enable as well as inform.

- How was engagement with businesses taking place and what were the results?

The Corporate Director of Economic Development explained that legislation was used to engage with bigger businesses and the Council liaised with larger organisations to develop their own strategies. She agreed that more could be done to encourage individuals and work was being carried out on the Communications Strategy to better engage with the public.

- How were the young people chosen to be representatives on the ZCCP?

The Policy and Communications Manager agreed to gather further information from the ZCCP.

- Had a decision been taken on the replacement of the cremator?

The Environment and Transport Portfolio Holder responded that a decision had not yet been taken. The cremator replacement would be subject to the usual tender process, the impact on emissions would be part of that work.

- The two main sources of the Council's carbon footprint were leisure and diesel. A Member suggested that changes to the Council's fleet, routes, frequencies and times could result in some big reductions in the carbon footprint.

The Environment and Transport Holder agreed that fleet changes would make a big impact. Options had not been readily available for large vehicles, however, this was changing at a rapid pace. Fleet replacement work and discussions had already begun.

- The electric car charging points were mainly in Carlisle, Brampton and Dalston, there was a need for the charging points in rural locations.

The Corporate Director of Economic Development highlighted the issues with regard to electric supply in rural areas. It was a challenge to introduce car charging points as the electric infrastructure did not support the power required. She informed the Panel of the energy masterplan which was a strategic document looking at energy issues in the district.

RESOLVED - 1) That the Local Environment (Climate Change) Strategy Update (PC.09/22) be received;

2) That the Policy and Communications Manager provide the following written information to the Panel:

- the last set of Local Authority Climate Policy Group minutes
- the calculated emissions for the Victoria Health Suite
- how the ZCCP appointed a representative of Cumbria's young people to the Partnership

PLP.16/22 ST CUTHBERT'S GARDEN VILLAGE – DELIVERY VEHICLE BUSINESS CASE PROGRESS REPORT

The Corporate Director of Economic Development presented an update on the progress made in preparing the Delivery Vehicle Business Case scheduled to be submitted to government in Summer of 2023 to support the long term delivery of St Cuthbert's Garden Village. (ED.12/22).

In considering the update Members raised the following comments and questions:

- How would the most qualified, enthusiastic and bold board members be found?

The Corporate Director of Economic Development explained that there had been a lot of interest in the project and it was hoped that the same calibre of individuals that had been involved already in the project would be found for the board.

- The Panel congratulated officers on their hard work in securing the significant funding to date.
- What agreements were required from the Shadow Authority to progress with the project?

The Corporate Director of Economic Development confirmed that the work detailed in the report did not require Shadow Authority approval. She informed the Panel that she was due to give a presentation on the matter to the Shadow Authority Executive.

- A Member felt strongly that public leadership was required to ensure the project kept its momentum and delivered the overall vision to the required quality.

The Corporate Director of Economic Development stated that local authorities across the country had different approaches to garden villages. She felt it should be a genuine partnership

between the public and private sectors. It was vital that the foundation was right to maintain the quality of the place and design over a 30 - 40 year period.

- How could the public see the progress that was being made?

The Corporate Director of Economic Development highlighted the Masterplan, Supplementary Planning Documents and the evidence based Local Plan which were already in place. It was important that the first stages set the bar at the right level to attract the organisations and businesses needed to make the project successful.

- Was the Garden Village project on target and how would the Local Government Reorganisation impact the progress?

The Corporate Director of Economic Development confirmed that the project was on target. In terms of the change to the authority, it would be a very difficult decision to stop the project now, funding has been secured and work was taking place to source master developers. In response to a further questions the Corporate Director assured the Panel that it was normal practice for multi national developers to be interested in projects such as the garden village.

RESOLVED - That the St Cuthbert's Garden Village - Delivery Vehicle Business Case Progress report (ED.12/22) be received.

PLP.17/22 REAL ESTATE INVESTMENT & INFRASTRUCTURE FORUM (UKREiIF) UPDATE

The Corporate Director of Economic Development set out the outcomes following the Council's attendance at the Real Estate Investment and Infrastructure Forum (UKREiIF) held between 16 and 18 May 2022 (ED.15/22).

The Corporate Director of Economic Development reported that the event had been the first of its kind that the City Council had attended. Although it had been very hard work it had been successful resulting in many meetings and discussions. The event had been an opportunity to showcase Carlisle and learn from other areas.

The Economy, Enterprise and Housing Portfolio Holder agreed that the event had been hard work but had been an excellent opportunity for Carlisle. She stated that the commitment that the team had put into the event had been exceptional.

In considering the information Members raised the following comments and questions:

- The Panel congratulated the Corporate Director of Economic Development and her team for their exceptional work.

- Carlisle had an ageing population and it was vital that people were encouraged to stay in Carlisle or come to live and work in Carlisle. Carlisle needed a diverse population to keep growing and supporting the economy and lifestyle.

The Corporate Director of Economic Development agreed and stated that the ultimate objective was raising the profile of Carlisle so people would live and work here. One of the outcomes of the event had been the opportunity for the organisers of the event to host a smaller event in the new Chamber at the Civic Centre, which had been successful.

The Economy, Enterprise and Housing Portfolio Holder highlighted the job opportunities that

would come from the Garden Village and why it was important to attract those with the necessary skill set into Carlisle.

The Corporate Director confirmed that a place had been booked at the 2023 event. She explained that any expressions of interest that were submitted at the event had been logged into the system and they were added to relevant consultation contact list.

RESOLVED - That the Real Estate Investment and Infrastructure Forum (UKREiif) Update be welcomed (ED.15/22)

PLP.18/22 OVERVIEW REPORT

The Overview and Scrutiny Officer presented report OS.19/22 providing an overview of matters related to the Place Panel's work.

The Overview and Scrutiny Officer reported that resolutions 2 and 4 from previous meetings had been completed.

The Panel discussed their recent site visit to Talkin Tarn and the opportunities that they saw in the facilities. The Panel requested an officer report on the future management arrangements at Talkin Tarn be added to their work programme. The report should include suggestions for improvements and opportunities along with the feasibility of the suggestions.

The Finance, Governance and Resources Portfolio Holder commented that there had been restrictions on the way income could be spent at the Tarn, those restrictions would be suspended and substantial improvements would take place at the Tarn before the end of the year.

The Chair reported that the Chair of the People Panel had formally requested that operational housing matters such as access to affordable housing; homelessness; housing benefit and relationships with registered providers / social landlords and Cumbria Choice be transferred into the remit of the People Panel.

The Panel discussed the options and agreed that the Chair of the Place Panel and the Chair of the People Panel, along with the Overview and Scrutiny Officer, meet to discuss the matter and report back to the Panels at their next meeting.

A Member asked that an update on Junction 44 be added to the work programme.

RESOLVED - 1) That the Overview Report incorporating Key Decision items relevant to the Place Panel be noted (OS.19/22).

2) That the following matters be added to the Panel's work programme:

- Talkin Tarn Future Management Arrangements
- Update on Junction 44

3) That the Chair of the Place Panel meet with the Chair of the People Panel and the Overview and Scrutiny Officer to discuss the most appropriate location of operational housing matters within the Scrutiny remits.

The Meeting ended at: 18:05

Regulatory Panel

Date: Wednesday, 06 July 2022

Time: 14:00

Venue: Flensburg Room

Present: Councillor Ms Jo Ellis-Williams, Councillor Mrs Linda Mitchell, Councillor David Morton, Councillor Paul Nedved, Councillor Tim Pickstone, Councillor Peter Sunter, Councillor Miss Jeanette Whalen, Councillor Pamela Birks (for Councillor Ruth Alcroft), Councillor Mrs Elizabeth Mallinson (for Councillor Mrs Marilyn Bowman), Councillor John Mallinson (for Councillor John Collier), Councillor Lucy Patrick (for Councillor Dr Les Tickner)

Also Present: Senior Lawyer
Environmental Health Officer
Regulatory Compliance Officer

RP.20/22 APPOINTMENT OF CHAIR

It was moved and seconded that Councillor Ms Ellis-Williams be appointed as Chair of the Regulatory Panel for the municipal year 2022/23.

It was moved and seconded that Councillor Miss Whalen be appointed as Chair of the Regulatory Panel for the municipal year 2022/23.

Following voting it was

RESOLVED – That Councillor Ms Ellis-Williams be appointed as Chair of the Regulatory Panel for the municipal year 2022/23.

Councillor Ms Ellis-Williams thereupon took the Chair.

RP.21/22 APPOINTMENT OF VICE CHAIR

It was moved and seconded that Councillor Miss Whalen be appointed as Vice Chair of the Regulatory Panel for the municipal year 2022/23.

RESOLVED – That Councillor Miss Whalen be appointed as Vice Chair of the Regulatory Panel for the municipal year 2022/23.

RP.22/22 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Alcroft, Councillor Mrs Bowman, Councillor Collier and Councillor Dr Tickner.

RP.23/22 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

RP.24/22 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meetings held on 20 April 2022 be agreed.

RP.25/22 PUBLIC AND PRESS

It was agreed that the item of business in Part A be dealt with in public; there were no items of business in Part B to be dealt with when the public and press were excluded.

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A to the 1972 Local Government Act.

RP.26/22 REFUSAL OF DOG BREEDERS LICENCE

(Public and Press excluded by virtue of Paragraph 1)

The Environmental Health Officer submitted a report (GD.42/22) regarding the refusal to grant a dog breeder's licence.

The Environmental Health Officer reported that the Dog Breeder was not in attendance due to a clerical error.

The Regulatory Panel discussed the options available to them. They agreed to defer the matter to allow for the Dog Breeder to be invited to attend the Panel, however, felt that the matter was urgent and warranted a special meeting.

RESOLVED - That the Refusal of a Dog Breeders licence (report GD.42/22) be deferred to a special meeting of the Panel to be held at the earliest possible date.

RP.27/22 SUSPENSION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER

(Public and Press excluded by virtue of Paragraph 7)

The Regulatory Compliance Officer submitted a report (GD.41/22) regarding the suspension of a Hackney Carriage Driver.

The Driver was not in attendance, however he had been informed of his right to attend.

The Regulatory Compliance Officer reported that the Driver had held a Hackney Carriage Drivers licence since June 2020. He set out the complaint for consideration. He also reported that the Driver's case had been considered by the North and West Cumbria Magistrates Court, the outcome had been that the Driver's driving licence had been revoked and he would not be eligible to reapply for it for two years.

RESOLVED - That the Driver's Hackney Carriage Driver Licence be revoked (GD.41/22).

The Meeting ended at: 14:13

Present: Councillor Trevor Allison, Councillor James Bainbridge, Councillor Ms Jo Ellis-Williams (until 17:38), Councillor Mrs Anne Glendinning, Councillor Mrs Linda Mitchell, Councillor Michael Mitchelson, Councillor Peter Sunter, Councillor Dr Les Tickner

Also Present: Councillor Mallinson - Leader
Councillor Ellis - Finance, Governance and Resources Portfolio Holder
Councillor Christian - Environment and Transport Portfolio Holder
Councillor Mrs Bowman - Economy, Enterprise and Housing Portfolio Holder

Officers: Corporate Director of Economic Development
Policy and Communications Manager
Overview and Scrutiny Officer

PLP.10/22 APOLOGIES FOR ABSENCE

No apologies for absence were submitted.

PLP.11/22 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

PLP.12/22 PUBLIC AND PRESS

It was agreed that the items in Part A be dealt with in public and the items in private be dealt with in Part B.

PLP.13/22 MINUTES OF PREVIOUS MEETINGS

RESOLVED - The minutes of the meeting held on 16 June 2022 were agreed as a correct record.

PLP.14/22 CALL-IN OF DECISIONS

There were no items which had been subject of call-in.

PLP.15/22 LOCAL ENVIRONMENT (CLIMATE CHANGE) STRATEGY UPDATE

The Policy and Communications Manager presented an update on the delivery of the Local Environment (Climate Change) Strategy (PC.09/22).

The Policy and Communications Manager gave a brief overview of the background to the

Strategy and updated the Panel on National policies, strategies and reports. He detailed the Countywide partnership work that was being undertaken and provided an update on the Organisational Actions and selected 'Local Actions'.

In considering the update Members raised the following comments and questions:

- Who represented Carlisle City Council on the Local Authority Climate Change Policy Group and were minutes of the meetings available to Members?

The Policy and Communications Manager reported that he was the Council representative on the Group; he agreed to circulate the last set of minutes to the Panel.

- Did the projected 8% reduction on the Council's Scope 3 (Leisure) emissions account for the Turkish Baths being open or closed?

The Policy and Communications Manager explained that the base line information was 2018/19 data, the 8% estimate was based on the pools being a single site operation. The Borderlands Project or Council decisions had not yet been factored into the calculations, a renewed base line would be produced next year, as result the Council's Scope 3 emissions projections would be recalculated.

The Environment and Transport Portfolio Holder clarified that a facility remaining on site would be an increase in the emissions which would be against Council policies.

The Corporate Director of Economic Development added that the facility would be subject to other legislation such as Building Control and it was likely a heating system review would be required. The impact on emissions would need to be included in the business case for any proposals for the Turkish Baths.

A Member commented that it was irrelevant whether the emissions were in the Council Scope or not, there would still be an increase in emissions. She asked if would be possible to calculate the emissions from the Turkish Baths.

The Policy and Communications Manager agreed to provide a written response.

- Who used the two e-bikes which had been purchased?

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In discussing cycling in Carlisle, Members felt that there had to be an acknowledgement that cycling was not an option for everyone and alternative methods of transport, outside of car use, could be expensive especially for families travelling together. Work had to be undertaken with bus companies to reduce costs and increase travel options.

The Leader commented that there needed to be the same focus on cycle and pedestrian ways as there was for roads. Pathways and cycle paths needed to be better maintained to encourage more use.

- A Member asked for further information on the Heat Network Zone Pilot and highlighted the

high density terraced houses where the project could work.

The Policy and Communications Manager responded that the Pilot was at the work shop stage and further information was not available yet.

The Environment and Transport Portfolio Holder give an overview of how the system worked in other countries and the possibilities for Carlisle.

- The report included government policies relevant to Local Authorities, there was some concern regarding the ambitions in the document and the impact that they would have on local authorities.

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The Environment and Transport Portfolio Holder acknowledged that work was needed to address the emissions and discussions were taking place with Zero Carbon Cumbria Partnership (ZCCP) who were looking at this issue.

The Panel discussed the global impact of changes to agriculture and the future impact of decisions being taken now. Current global issues and decisions taken some time ago were reducing availability of some produce, the impact was either very expensive produce or no produce at all.

- The report was very complex, Members felt that more work should be done to simplify the information and engage with the public to help them reduce their own carbon footprint.

The Policy and Communications Manager responded that the community engagement information was crafted for public use and understanding. Individual's carbon footprint information was a different message, the Council needed to enable as well as inform.

- How was engagement with businesses taking place and what were the results?

The Corporate Director of Economic Development explained that legislation was used to engage with bigger businesses and the Council liaised with larger organisations to develop their own strategies. She agreed that more could be done to encourage individuals and work was being carried out on the Communications Strategy to better engage with the public.

- How were the young people chosen to be representatives on the ZCCP?

The Policy and Communications Manager agreed to gather further information from the ZCCP.

- Had a decision been taken on the replacement of the cremator?

The Environment and Transport Portfolio Holder responded that a decision had not yet been taken. The cremator replacement would be subject to the usual tender process, the impact on emissions would be part of that work.

- The two main sources of the Council's carbon footprint were leisure and diesel. A Member suggested that changes to the Council's fleet, routes, frequencies and times could result in some big reductions in the carbon footprint.

The Environment and Transport Holder agreed that fleet changes would make a big impact. Options had not been readily available for large vehicles, however, this was changing at a rapid pace. Fleet replacement work and discussions had already begun.

- The electric car charging points were mainly in Carlisle, Brampton and Dalston, there was a need for the charging points in rural locations.

The Corporate Director of Economic Development highlighted the issues with regard to electric supply in rural areas. It was a challenge to introduce car charging points as the electric infrastructure did not support the power required. She informed the Panel of the energy masterplan which was a strategic document looking at energy issues in the district.

RESOLVED - 1) That the Local Environment (Climate Change) Strategy Update (PC.09/22) be received;

2) That the Policy and Communications Manager provide the following written information to the Panel:

- the last set of Local Authority Climate Policy Group minutes
- the calculated emissions for the Victoria Health Suite
- how the ZCCP appointed a representative of Cumbria's young people to the Partnership

PLP.16/22 ST CUTHBERT'S GARDEN VILLAGE – DELIVERY VEHICLE BUSINESS CASE PROGRESS REPORT

The Corporate Director of Economic Development presented an update on the progress made in preparing the Delivery Vehicle Business Case scheduled to be submitted to government in Summer of 2023 to support the long term delivery of St Cuthbert's Garden Village. (ED.12/22).

In considering the update Members raised the following comments and questions:

- How would the most qualified, enthusiastic and bold board members be found?

The Corporate Director of Economic Development explained that there had been a lot of interest in the project and it was hoped that the same calibre of individuals that had been involved already in the project would be found for the board.

- The Panel congratulated officers on their hard work in securing the significant funding to date.

- What agreements were required from the Shadow Authority to progress with the project?

The Corporate Director of Economic Development confirmed that the work detailed in the report did not require Shadow Authority approval. She informed the Panel that she was due to give a presentation on the matter to the Shadow Authority Executive.

- A Member felt strongly that public leadership was required to ensure the project kept its momentum and delivered the overall vision to the required quality.

The Corporate Director of Economic Development stated that local authorities across the country had different approaches to garden villages. She felt it should be a genuine partnership

between the public and private sectors. It was vital that the foundation was right to maintain the quality of the place and design over a 30 - 40 year period.

- How could the public see the progress that was being made?

The Corporate Director of Economic Development highlighted the Masterplan, Supplementary Planning Documents and the evidence based Local Plan which were already in place. It was important that the first stages set the bar at the right level to attract the organisations and businesses needed to make the project successful.

- Was the Garden Village project on target and how would the Local Government Reorganisation impact the progress?

The Corporate Director of Economic Development confirmed that the project was on target. In terms of the change to the authority, it would be a very difficult decision to stop the project now, funding has been secured and work was taking place to source master developers. In response to a further questions the Corporate Director assured the Panel that it was normal practice for multi national developers to be interested in projects such as the garden village.

RESOLVED - That the St Cuthbert's Garden Village - Delivery Vehicle Business Case Progress report (ED.12/22) be received.

PLP.17/22 REAL ESTATE INVESTMENT & INFRASTRUCTURE FORUM (UKREiIF) UPDATE

The Corporate Director of Economic Development set out the outcomes following the Council's attendance at the Real Estate Investment and Infrastructure Forum (UKREiIF) held between 16 and 18 May 2022 (ED.15/22).

The Corporate Director of Economic Development reported that the event had been the first of its kind that the City Council had attended. Although it had been very hard work it had been successful resulting in many meetings and discussions. The event had been an opportunity to showcase Carlisle and learn from other areas.

The Economy, Enterprise and Housing Portfolio Holder agreed that the event had been hard work but had been an excellent opportunity for Carlisle. She stated that the commitment that the team had put into the event had been exceptional.

In considering the information Members raised the following comments and questions:

- The Panel congratulated the Corporate Director of Economic Development and her team for their exceptional work.

- Carlisle had an ageing population and it was vital that people were encouraged to stay in Carlisle or come to live and work in Carlisle. Carlisle needed a diverse population to keep growing and supporting the economy and lifestyle.

The Corporate Director of Economic Development agreed and stated that the ultimate objective was raising the profile of Carlisle so people would live and work here. One of the outcomes of the event had been the opportunity for the organisers of the event to host a smaller event in the new Chamber at the Civic Centre, which had been successful.

The Economy, Enterprise and Housing Portfolio Holder highlighted the job opportunities that

would come from the Garden Village and why it was important to attract those with the necessary skill set into Carlisle.

The Corporate Director confirmed that a place had been booked at the 2023 event. She explained that any expressions of interest that were submitted at the event had been logged into the system and they were added to relevant consultation contact list.

RESOLVED - That the Real Estate Investment and Infrastructure Forum (UKREiif) Update be welcomed (ED.15/22)

PLP.18/22 OVERVIEW REPORT

The Overview and Scrutiny Officer presented report OS.19/22 providing an overview of matters related to the Place Panel's work.

The Overview and Scrutiny Officer reported that resolutions 2 and 4 from previous meetings had been completed.

The Panel discussed their recent site visit to Talkin Tarn and the opportunities that they saw in the facilities. The Panel requested an officer report on the future management arrangements at Talkin Tarn be added to their work programme. The report should include suggestions for improvements and opportunities along with the feasibility of the suggestions.

The Finance, Governance and Resources Portfolio Holder commented that there had been restrictions on the way income could be spent at the Tarn, those restrictions would be suspended and substantial improvements would take place at the Tarn before the end of the year.

The Chair reported that the Chair of the People Panel had formally requested that operational housing matters such as access to affordable housing; homelessness; housing benefit and relationships with registered providers / social landlords and Cumbria Choice be transferred into the remit of the People Panel.

The Panel discussed the options and agreed that the Chair of the Place Panel and the Chair of the People Panel, along with the Overview and Scrutiny Officer, meet to discuss the matter and report back to the Panels at their next meeting.

A Member asked that an update on Junction 44 be added to the work programme.

RESOLVED - 1) That the Overview Report incorporating Key Decision items relevant to the Place Panel be noted (OS.19/22).

2) That the following matters be added to the Panel's work programme:

- Talkin Tarn Future Management Arrangements
- Update on Junction 44

3) That the Chair of the Place Panel meet with the Chair of the People Panel and the Overview and Scrutiny Officer to discuss the most appropriate location of operational housing matters within the Scrutiny remits.

The Meeting ended at: 18:05

Regulatory Panel

Date: Wednesday, 17 August 2022

Time: 16:05

Venue: Flensburg Room

Present: Councillor Ruth Alcroft, Councillor Mrs Marilyn Bowman, Councillor Ms Jo Ellis-Williams, Councillor Keith Meller, Councillor Mrs Linda Mitchell, Councillor David Morton, Councillor Paul Nedved, Councillor Tim Pickstone, Councillor Peter Sunter, Councillor Miss Jeanette Whalen

Officers: Senior Lawyer
Licensing Manager
Environmental Health Officer

Also Present: Ms Britton, Legal Services Intern

RP.32/22 APOLOGIES FOR ABSENCE

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

RP.33/22 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

RP.34/22 PUBLIC AND PRESS

It was agreed that the item of business in Part A be dealt with in public; there were no items of business in Part B to be dealt with when the public and press were excluded.

RP.35/22 AGENDA

RESOLVED - That Agenda Item B.2 - Private Hire Operator would be taken as the first agenda item.

RP.36/22 MINUTES OF PREVIOUS MEETINGS

RESOLVED - 1) It was noted that Council, at its meeting on 19 July 2022, received and adopted the minutes of the meeting held on 20 April 2022. The Chair signed the minutes.

2) That the minutes of the meetings held on 6 July and 21 July (special) be agreed as a correct record.

RP.37/22 PUBLIC AND PRESS

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

RP.38/22 PRIVATE HIRE OPERATOR

(Public and Press excluded by virtue of Paragraph 7)

The Licensing Manager submitted a report regarding Private Hire Operator Licences (GD.47/22).

The Operator was in attendance.

The Senior Lawyer informed the Operator that he had the right to be represented, he confirmed that he would like to be represented.

The Panel discussed the options available to them and agreed to defer the matter to the next scheduled meeting on 14 September 2022.

RESOLVED - That report GD.47/22 Private Hire Operator be deferred to the next meeting of the Regulatory Panel scheduled for 14 September 2022.

RP.39/22 REFUSAL OF DOG BREEDERS LICENCE

(Public and Press excluded by virtue of paragraph 1)

The Environmental Health Officer submitted a report regarding the refusal to grant a dog breeder's licence (GD.46/22).

The Environmental Health Officer reported that the Dog Breeder had emailed him to inform him she would not be in attendance at the meeting and that she was no longer breeding dogs and did not need a licence. The Environmental Health Officer contacted the Breeder requesting formal confirmation that they were withdrawing the application and this had not been received.

The Regulatory Panel noted that formal confirmation had not been received and agreed to consider the application before them.

The Environmental Health Officer reported that the Dog Breeder had been granted a a one year licence which expired in October 2021. The licence permitted the breeding of two bitches at a specific address. The Dog Breeder submitted a renewal application in March 2022, the dogs listed on the application varied from those on the original licence and no application to vary the licence had been submitted. No microchips details had been provided, despite numerous requests.

A number of issues were raised including concerns regarding the number of dogs intended for breeding, the location of a dog, dogs not being included on the application. During an inspection some dogs were present, some dogs on the application were not and their location was unknown. The inspection, with a vet, found each dog to have notable health concerns including a heart condition, skin condition and eye conditions.

The Dog Breeder was unable to produce the records as required as a condition of the licence. There was also concern that the Dog Breeder did not permanently reside at the licenced address, with evidence showing she lived out of the County. This resulted in the dogs being cared for by an unknown individual and there was no clarity on where the dogs lived.

The Environmental Health Officer reported that the Dog Breeder had been given six weeks to work with the Council to provide the required records. Documents were produced in part, however, the most important documents, which proved the health of the animals had been approved by a vet for fitness to breed, had not been provided. The Dog Breeder had been given additional time to produce the records, with a deadline of 15 July 2022, some six months after the application had been received. The Dog Breeder had failed to provide a health certificate for one of the dogs and had deliberately attempted to deceive the Council by providing only parts of the care plan documents.

The Dog Breeder had been informed, at the time of the first application, of the requirements of licence. She had been rated 'high risk' at the time and was given a one year licence.

The Environmental Health Officer responded to questions, clarifying the following:

- It was unknown if the Breeder was caring for the dogs at the address on the application or if someone else was;
- There was no national database to enable Local Authorities to share information on Dog Breeders;
- The Breeder would be able to apply for a licence elsewhere in the Country.

The Regulatory Panel discussed the application and

RESOLVED - That the Panel had carefully considered and read the evidence in report GD.46/22; considered the presentation by the Council's Environmental Health Officer and listened to the responses.

The Regulatory Panel noted that the Dog Breeder had applied to renew the licence for two specific bitches at a specified address. The Panel noted that the Dog Breeder had indicated that she no longer required a licence but formal confirmation of this was not received.

Under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 the Regulatory Panel had grounds to refuse to grant the licence renewal. The Authority had to consider whether the licence conditions would be met, taking into account the applicant's conduct as the operator of a licensable activity to which the application for the grant or renewal related; whether the applicant was a fit and proper person to be considered an operator and any other relevant circumstances.

The Panel had decided to refuse the application for a licence and specified that the applicant must wait a period of two years before re-applying.

The reasons for the decision were:

1. The Dog Breeder had many breaches of the Animal Welfare (Licensing and Activities Involving Animals) (England) Regulations 2018 as set out in section 2 of report GD.46/22.
2. The Panel felt that the Breeder had concealed information in an attempt to deceive the Council with regards to the health certificate required by the vet.
3. The Dog Breeder did not attend the Panel and did not formally confirm that a licence was no longer required despite several requests to do so.

The Regulatory Panel also requested that the Environmental Health Officer contact the relevant Local Authority where the Dog Breeder resided to inform them of the Panel's decision.

The Dog Breeder would receive written confirmation of the Panel's decision.

The Meeting ended at: 16:35

Licensing Committee

Date: Wednesday, 06 July 2022

Time: 14:15

Venue: Flensburg Room

Present: Councillor Ms Jo Ellis-Williams, Councillor Mrs Linda Mitchell, Councillor David Morton, Councillor Paul Nedved, Councillor Tim Pickstone, Councillor Peter Sunter, Councillor Miss Jeanette Whalen, Councillor Pamela Birks (for Councillor Ruth Alcroft), Councillor Mrs Elizabeth Mallinson (for Councillor Mrs Marilyn Bowman), Councillor John Mallinson (for Councillor John Collier), Councillor Lucy Patrick (for Councillor Dr Les Tickner)

Also Present: Senior Lawyer
Regulatory Compliance Officer
Environmental Health Officer

LC.16/22 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Alcroft, Councillor Mrs Bowman, Councillor Collier and Councillor Dr Tickner.

LC.17/22 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

LC.18/22 PUBLIC AND PRESS

RESOLVED - It was agreed that the items in Part A be dealt with in public and the items in private be dealt with in Part B.

LC.19/22 MINUTES OF PREVIOUS MEETING

RESOLVED -That the minutes of the meeting held on 20 April 2022 be agreed as a correct record.

LC.20/22 LICENSING ACT 2003 UPDATE

The Regulatory Compliance Officer submitted report GD.39/22 which provided the current position regarding applications under the Licensing Act 2003. He reported on the licence figures as at 21 June 2022. The report detailed the New Premises Licenses and Temporary Event Notices which had been issued during the reporting period.

Members raised some concerns with regard to the verification checks that were being undertaken for doorstep deliveries of alcohol. They asked for clarity on who had the responsibility for doorstep deliveries and how verification checks were carried out.

The Regulatory Compliance Officer agreed to provide a written response to the Panel.

A Member noted the low number of Temporary Event Notices that had been received to date and asked if Covid 19 continued to impact the number of applications and if it was expected to rise. The Regulatory Compliance Officer responded that the figures contained in the report reflected the first half of the year, should this trend continue then the overall figure would be slightly under the annual average.

RESOLVED - 1) That the Licensing Act 2023 Update be noted (GD.39/22)

2) That the Regulatory Compliance Officer provided the Panel with information on the verification process that was in place for licensed premises who undertook doorstep deliveries, in particular, who the responsibility for that verification process fell to.

LC.21/22 GAMBLING ACT 2005 UPDATE

The Regulatory Compliance Officer submitted the Gambling Act 2005 Update (GD.40/22) which gave an update on the current position regarding licenses, permits and application made under the Act. The licence figures as at 21 June 2022 were highlighted.

RESOLVED - That the Gambling Act 2005 - Update GD.40/22 be noted

LC.22/22 LICENSING SUB COMMITTEE APPOINTMENTS

The Licensing Manager submitted the schedule of Members appointed to serve on the Licensing Sub Committees following Annual Council on 16 May 2022.

RESOLVED - That the schedule setting out the appointment of Members to serve on the four Licensing Sub-Committees for the Municipal Year 2022/23 as set out below, be approved:

Licensing Sub Committee 1 (3)

Conservative: Bowman, Collier, Ellis-Williams (sub)

Labour: Sunter, Alcroft (sub)

Independent Member for Stanwix and Houghton: Nedved (sub)

Licensing Sub Committee 2 (3)

Conservative: Meller, Bowman (sub), Mitchell (sub)

Labour: Tickner, Sunter (sub)

Independent and Liberal Democrat: Pickstone

Licensing Sub Committee 3 (3)

Conservative: Mitchell, Ellis-Williams, Morton (sub)

Labour: Whalen, Tickner (sub)

Independent and Liberal Democrat: Pickstone (sub)

Licensing Sub Committee 4 (3)

Conservative: Morton, Collier (sub), Meller (sub)

Labour: Alcroft, Whalen (sub)

Independent Member for Stanwix and Houghton: Nedved

The Meeting ended at: 14:27

Development Control Committee

Date: Wednesday 22 June 2022 **Time:** 10:00

Present: Councillors Alcroft, Bomford, Mrs Bowman, Christian, Finlayson, Mrs Mitchell, (as substitute for Councillor Meller), Morton, Shepherd, Southward, Tinnion and Wills.

Also Present: Councillor Allison (in his capacity as Ward Member) attended the site visit at Land at field 3486, Monkhill Road, Moorhouse, Carlisle (application 19/0244)

Two representatives of Burgh by Sands Parish Council attended the site visit at Land at field 3486, Monkhill Road, Moorhouse, Carlisle (application 19/0244)

Two representatives of Dalston Parish Council attended the site visit at Bridge End Inn, Bridge End, Dalston, Carlisle, CA5 7BH (application 22/0078)

Officers: Principal Planning Officer
Planning Officer

DC.051/22 APOLOGIES FOR ABSENCE

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

DC.052/22 DECLARATIONS OF INTEREST

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

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

DC.053/22 SITE VISITS

As agreed with the Corporate Director of Economic Development the following site visit was undertaken:

Application	Short Particulars of Development	Applicant and/or Agent	Approx time of Inspection
19/0244	<ul style="list-style-type: none"> Erection Of 14no. Dwellings Land at field 3486, Monkhill Road, Moorhouse, Carlisle 	Citadel Estates Ltd / Sam Greig Planning Ltd	10:15 – 10:37am
<i>Councillor Morton having declared an interest in the above application took no part in the site visit. Councillor Tinnion assumed the Chair for the duration of the visit.</i>			
22/0078	<ul style="list-style-type: none"> Change Of Use Of Garage To Dual Use Consisting Of Staff Accommodation & Holiday Let To Be Used In Association With The Bridge End Public House (Revised Application) Bridge End Inn, Bridge End, Dalston, Carlisle, CA5 7BH 	Mr Brown / Sam Greig Planning Ltd	10:53 – 11:04am

22/0087 & 22/0088	<ul style="list-style-type: none"> • Amendment To Scheme Approved Under Application 20/0471 (Erection Of Replacement Agricultural Building Together With Construction Of New Access Track) (Retrospective Permission); And The Siting Of A Silo; <p>&</p> <ul style="list-style-type: none"> • Retrospective Permission To Extend Track Approved Under Application 20/0471; Re-Surface Existing Drive; And Form/Replace Areas Of Hardstanding Firbank Farm Buildings, Firbank, Westlinton, CA6 6AQ 	Mr I Morrison / Harraby Green Associates	11:28 – 11:43am
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Councillor Alcroft left the meeting at 11:43am.

(The meeting ended at 12:07pm)

Development Control Committee

Date: Friday, 24 June 2022 **Time:** 10:00

Venue: Council Chamber

Present: Councillor Ruth Alcroft, Councillor Mrs Marilyn Bowman, Councillor Nigel Christian, Councillor Mrs Christine Finlayson, Councillor Mrs Anne Glendinning, Councillor David Morton, Councillor David Shepherd, Councillor Christopher Southward, Councillor Raymond Tinnion, Councillor Christopher Wills, Councillor Mrs Linda Mitchell (for Councillor Keith Meller)

Also Present: Councillor Allison (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application - 19/0244 - Land at field 3846, Monkhill Road, Moorhouse, Carlisle.

Councillor J Mallinson (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of applications:

- 20/0087 - Firbank Farm Buildings, Firbank, Westlinton CA6 6AQ;
- 20/0088 - Firbank Farm, Firbank, Westlinton, CA6 6AQ.

Officers:

- Corporate Director of Economic Development
- Head of Legal and Democratic Services
- Principal Planning Officer
- Planning Officer x 2
- Mr Coyle - Manager, Flood and Development Management - Cumbria County Council
- Mr Barnard – Lead Officer, Flood and Development Management - Cumbria County Council

DC.054/22 APOLOGIES FOR ABSENCE

An apology for absence were submitted on behalf of Councillor Bomford.

DC.055/22 DECLARATIONS OF INTEREST

In accordance with the Council's Code of Conduct the following declaration of interest was submitted:

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

In relation to application 21/1143 - Land adjacent to Meadow Cottage, Tarraby, Carlisle, CA3 0JS, Councillors Alcroft, Mitchell and Wills indicated that they had not been present at the Committee's earlier consideration of the application, therefore they would not participate in the discussion nor determination of the application.

DC.056/22 PUBLIC AND PRESS

RESOLVED - That the agenda be agreed as circulated.

DC.057/22 MINUTES OF PREVIOUS MEETINGS

RESOLVED - That the minutes of the meetings held on 13 May, 22 June and 22 June (site visits) be approved.

DC.058/22 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Head of Legal and Democratic Services set out the process for those Members of the public who had registered a Right to Speak at the Committee.

DC.059/22 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 - 19/0244 - Land at field 3486, Monkhill Road, Moorhouse, Carlisle Proposal: Erection of 14no. dwellings.

Councillor Morton having declared an interest in the item removed himself from the Chair of the meeting and took no part in the discussion nor determination of the application. Councillor Tinnion, Vice-Chair, took the Chair.

The Objector noted that at an earlier submission of the application to the Committee, Councillor Tinnion had declared an interest in the application and questioned whether he ought to declare an interest and whether it was appropriate for him to chair the meeting during the Committee's consideration of the matter.

Councillor Tinnion set out the nature of the interest which he had declared several years ago and clarified that, in his view he did not have an interest in the item before the Committee. Councillor Tinnion assumed the role of Chair.

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 22 June 2022. Slides were displayed on screen showing: location plan; proposed site plan; pictures of Moorhouse showing the Listed Buildings and the range of types and styles in the settlement; schematic illustrating the relationship between the application site and each of the Listed Buildings in Moorhouse; schematic showing the application site and the Listed Buildings in closest proximity; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer advised that on 21 June 2022 Historic England had formally consulted the Council on its Consultation Report regarding Fairfield House which contained a proposed revised entry for the National Heritage List for England. The report from the Statutory Consultee was the first stage of its assessment of the property and consultation process. In due course it would make a recommendation to the Secretary of State for Digital, Culture, Media and Sport who would determine whether the Listing was to be amended; the recommendation would remain private until the final decision on the matter had been made. Historic England further advised the Council that as it was only part way through its Listing amendment process, the proposed revised draft List entry did not replace the existing one, which was reproduced in paragraph 6.19 of the report.

The impact of the proposed scheme on the setting of Listed Buildings had been considered by both Historic England and the Council's Conservation Officer during the Local Plan adoption

process when the site was allocated for residential development, with neither raising specific comments. As set out in paragraph 6.38 of the report, Historic England had confirmed it was aware of the proposed scheme and considered that the building would not be directly affected.

During the Committee's site visit, Members had raised a number of queries which the Officer responded to as follows:

- Hedgerows – the existing hedgerows were to be retained except for the enlargement of the existing field entrance to afford vehicular access to the development site, were the application to be approved. Condition 12 stipulated that the existing hedgerows were to be retained at a height of 1.6 metres when measured from the existing ground level and that any gaps exceeding 250mm were to be enriched by the planting of a double row of staggered hawthorn plants;

The following conditions also pertained to hedgerows and landscaping: Condition 6 required the submission of details setting out the position and type of barriers to be installed to protect the retained hedgerows; Condition 7 sought to protect the hedgerows during construction works; Condition 8 required the submission of a landscaping scheme, with a requirement that all planting be undertaken in the first planting season following the completion of the ninth dwelling and that any plants within 5 years which become seriously damaged or diseased be replaced.

In respect of the future maintenance of the retained hedgerows. Clarification had been sought from the Agent who had advised that: *"The internal face of the hedgerows facing the gardens would be managed by the homeowners, whereas the external face fronting onto the road would be maintained by the Management Company who would also oversee the maintenance of the communal areas such as the roads and surface water drainage etc. We would be happy for this clarity to be included in the Section 106 agreement as you would typically do for larger scale developments"*. Were Members to approve the application, the maintenance arrangements for the hedgerows may be included within the Section 106 Agreement.

- Access – the proposed scheme required the enlargement of the exiting field entry point to afford vehicular access into the site. The proposed site plan, reproduced on page 67 of the Main Schedule, illustrated that the proposed access would be framed by a feature stone entrance wall with the visibility splays crossing the existing highway verges and would not be obscured by the retained hedgerows. The Highway Authority had been consulted and raised no objections to the visibility splays subject to the imposition of a condition requiring that they be provided prior to the commencement of development (Condition 10 refers).

- Open Space Provision / maintenance - the scale of the development did not meet the threshold for the provision of open space provision as set out in Policy GI4 of the Local Plan.

In conclusion the Planning Officer recommended that:

- a) the application be approved subject to a legal agreement. The Section 106 Agreement to consist of the following obligation: a) the provision of on-site intermediate 2no. two bedroom dwellings (Plots 6 and 7) for low cost home ownership at 30% discounted rate of market value;
- b) If the legal agreement is not completed within a reasonable time, then Authority to Issue is requested to the Corporate Director of Economic Development to refuse the application.

Councillor Allison (Ward Member) addressed the Committee in the following terms: more flood events occurred in Moorhouse than any other settlement within his Ward; following a flood event he undertook a visit to the application site where it was evident that a wet area in the bottom right hand corner of the site was not connected to the existing highway drainage network; Cumbria County Council were not obligated to monitor the network of ditches supporting the highways drains, that was a matter for the relevant landowners; slides were displayed on screen showing the impact of a number of flood events on domestic properties in Moorhouse; amendments to

properties undertaken by residents to minimise flood damage were detailed; the relevant authorities had neglected the flooding situation in the village; the surface water drainage proposals would have an impact on existing residents as, in prolonged wet weather periods, attenuated waters would still discharge into the highway drainage system, the proposed dwellings would not be subject to the same flood risk; Cumbria County Council as Lead Local Flood Authority had instructed a resident to replace their drain which was part of the network the development would connect to, at great cost to the resident, it was not fair that the developer would profit from the scheme whilst residents bore the impact of water discharge from the site; there was little confidence that the developer would fulfil the conditions associated with any approval given they had failed to comply with an instruction to cut back the hedge which abutted the road, the work was subsequently carried out by Cumbria County Council; the applicant had felled an Oak tree in the site without permission; the proposal sought to maximise the financial return for the developer by providing a scheme which exceeded the allocation of dwellings given in the Local Plan.

Given the concerns set out in relation to drainage, Councillor Allison requested that the Committee defer determination of the application in order that an independent inspector might assess the application, its drainage proposals, the history of flooding in the area, and other relevant technical documents.

The Chair invited Officers to respond to the points raised by the Ward Member.

The Planning Officer responded that the Oak tree which had been felled was not subject to a Tree Preservation Order nor was the site in a Conservation Area. With regards to the cutting back of the boundary hedge, the works had been requested some time ago but were not immediately carried out due to it being the bird nesting season.

Mr Coyle advised that Cumbria County Council was well aware of the existing flooding issues in Moorhouse and had investigated the matter. The application site drained into an existing watercourse which ran under the highway, the stone culvert carrying the discharge required widening and replacing with pipework: that work had been carried out and would reduce ponding on the highway in times of wet weather. There were further concerns regarding drainage pipework in two locations, with Enforcement Notices by Cumbria County Council as Lead Local Flood Authority served to the relevant riparian owners to undertake the necessary works. In the event of those works not being concluded before the coming winter, Cumbria County Council would undertake the works and serve Notice on the appropriate parties.

In relation to the Discharge of Conditions application, the developer had been advised no connection to the drainage system would be permitted until such time as all remedial works had been carried out and Ordinary Watercourse Consent issued.

Mr Cowx (Objector on his own behalf and on behalf of Ms Howe, Ms Duckworth, Mr Watson and Ms Tyson) displayed the following slides on screen: site plan comparison for the current application and the previously approved scheme for 9 dwellings; picture of Fairfield House and its date stone; pictures of flood events affecting the highway in Moorhouse; picture of flooding of the application site; schematic showing the location of existing drainage infrastructure in Moorhouse.

Mr Cowx objected to the application in the following terms: the size, scale and design of the proposed scheme were not appropriate; the Local Plan set an indicative yield for the site of 10 dwellings, an extant permission was in place for 9 dwellings, which was welcomed; 14 dwellings was too many, during previous considerations of the application the Committee had indicated it was not in favour of more than 9 properties at the site; Moorhouse had already significantly exceeded the housing target for the village set in the Local Plan, thus the proposal would lead to

over-development of the settlement; the current scheme's design was cramped, dense and ugly compared to the 9 dwelling scheme which would have blended better with the existing properties; the comparison made in the Officer's report to the density of council house properties in the village was misleading as it was not comparable with the wider settlement; the increased density would have a detrimental impact on the residential amenity of nearby residents through increased noise, light and vehicular movements; the public benefit of an additional 5 dwellings was negligible, but would significantly impact Moorhouse; the Council for the Protection of Rural England (CPRE) objected to the application on the grounds of loss of biodiversity and green space; the proposed scheme was not sustainable development as there were no services in the settlement for it to support; the local schools did not have capacity to accommodate the additional children from the development; Moorhouse had the highest proportion of Listed Buildings in the district, the increase in the number of dwellings included in the scheme was likely to cause harm to them, the impact on Fairfield House in particular had not been given sufficient consideration and there were issues related to its entry in the National Heritage List for England; the Council's Heritage Officer did not support the proposal; the proposed drainage scheme was an infringement of the legal rights of existing residents; the highways drainage network was not a water course; residents had commenced proceedings with the Lands Tribunal regarding the responsibility for repairs to / replacement of existing drainage network infrastructure, Cumbria County Council as Lead Local Flood Authority had not engaged with the process, were residents to win the tribunal, the development would not be permissible due to drainage matters; the developer had a track record of breaching planning conditions and had felled an oak tree in the site without permission.

Mr Cowx asked the Committee to reject the proposed scheme in favour of the implementation of the extant permission for 9 dwellings at the site.

Mr Coyle (Cumbria County Council) responded in the following terms: Cumbria County Council had received no submission in relation to a Lands Tribunal, the Tribunal related to landownership and was not relevant as Cumbria County Council was not the owner of the relevant land; responsibility for the maintenance of drainage infrastructure was a matter for the relevant landowner; the developer had exposed all drainage infrastructure that would be utilised in the event of the application being approved; the surface water discharged at the southern boundary into a culvert under the road (which had latterly been replaced by pipework), that culvert was historically used as a watercourse and did not form part of the highways drainage system; the outfall surface water drainage pipes at the northern boundary discharged into an underwater area that effectively formed an obstruction which the riparian landowner was required to replace; where the obstruction not to be removed before the autumn Cumbria County Council would serve Notice on the owners and undertake the works itself; the proposed increased dwellings and the drainage scheme associated with the application would reduce the surface water drainage discharge from the site via attenuation mechanism, it would be a betterment to the existing situation.

Mr Greig (Agent) responded in the following terms: the current scheme was an improvement of the previously approved as it would allow for more efficient land use; the current proposal increased the number of dwellings fronting Monkhill Road by one, given that the proposed dwellings were single storey, and were positioned further away from Fairfield House, the visual impact would be negligible; the increased number of dwellings meant that the proposal had exceeded the Council's policy trigger to provide affordable housing and two such properties were incorporated into the scheme; there was a need for bungalows in the district and it was anticipated that the dwellings would appeal to an older demographic, therefore less pressure would be put on school places; the application would increase biodiversity at the site through the provision of 16 trees and 311m of mixed native hedgerow, compared to the 5 trees and 72m of beech hedging approved under the previous scheme; the developer was agreeable to increasing

the minimum hedge height to 1.8m. Mr Greig displayed slides on screen showing: site plan comparison for the current application and the previously approved scheme for 9 dwellings; and Schematic showing the application site and the Listed Buildings in closest proximity, he questioned whether Moorhouse needed provision of more executive homes and was of the view that the current scheme would provide more to the community as a whole.

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- Three defects in the existing drainage infrastructure requiring remedial works had been identified – the replacement of a stone culvert which discharged surface water to the south of the site under the highway, the developer undertake that work; an obstruction in the pipework which ran to existing properties and a site where a pipe discharged into water which required the gradient of the pipe to be reset; both those matters were to be addressed by the relevant riparian owners, in the event of the works not being completed by the coming winter, Cumbria County Council would undertake those works and serve the appropriate Notices on the owners;
- Cumbria County Council had taken court action previously in respect of works to remedy defects in the drainage systems and would do so again. The process may take between six months and a year to complete, the developer was aware of the situation;
- The drainage scheme was expected to reduce the level of surface water flooding in the vicinity of the application by half, any future flooding was likely related to residual issues on the highway;
- The issue of flooding more widely in Moorhouse was not relevant to the application as there were a number of other areas where improvements were needed;
- Condition 13 set out the approval process for the drainage scheme which would incorporate standard water attenuation measures;
- The affordable housing units would be two-storey dwellings and had been located within the site to minimise visual impact;
- Historic England had responded and was aware of the proposal, however, it considered it would not affect the setting of the adjacent Listed Buildings;
- The Management Company would be responsible for the maintenance of the external aspect and top of the boundary hedge.

A Member felt that in order to reduce the visual impact of the scheme and to protect the setting of the adjacent Listed Buildings that the minimum height of the boundary hedge ought to be set at 2m. The Corporate Director of Economic Development agreed to explore how the matter may be addressed by the Management Company and to incorporate it into the legal agreement.

The Head of Legal and Democratic Services noted that compliance with condition 13 was predicated on works being undertaken by third parties, she asked whether the developer would be able to meet the condition?

Mr Coyle responded that due to the involvement of third parties it would be difficult for the developer to comply with the condition.

The Head of Legal and Democratic Services sought the views of the Corporate Director of Economic Development and the Planning Officer on amending Condition 13 to a Grampian style Condition; the Director and Officer indicated their agreement.

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

RESOLVED: 1) That authority be given to the Corporate Director of Economic Development to issue approval for the proposal subject to the completion of a legal agreement consisting of the following obligations:

- a) the provision of on-site intermediate 2no. 2 bedroom dwellings (Plots 6 and 7) for low cost home ownership at 30% discounted rate of market value; and,
- b) details of a Management Company for the application site detailing arrangements for the maintenance of the retained hedgerows; internal landscaping features; surface water drainage and internal roadways.

2 Should the legal agreement not be completed, delegated authority to the Corporate Director of Economic Development to issue refusal of the proposal.

Councillor Morton resumed as Chair.

2. Application - 21/1143 - Land adjacent to Meadow Cottage, Tarraby, Carlisle, CA3 0JS

Proposal: Erection of 4no. dwellings and associated works.

The Principal Planning Officer submitted the report on the application which had been deferred by the Committee at its meeting of 8 April 2022 due to concerns regarding the validity of the data contained in the submitted traffic survey along with a request for further details to be submitted in the traffic report.

Slides were displayed on screen showing: location plan; previously approved site layout; previously approved floor and elevation plans; current site layout plan; current elevations plans; artist's impressions of the proposed dwellings; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer advised that the purpose of the speed survey was to ascertain vehicle speeds to inform the extent of the visibility splays required; the Highways Authority had indicated it was satisfied with the revised traffic report.

A further letter of objection had been received which questioned the achievability of the visibility splays, the applicant had subsequently submitted a plan demonstrating that the splays were able to be provided at the required distance.

Following the Committee's earlier consideration of the application an Appeal Decision regarding the adjacent site at Shortdale Cottage had been received and was reproduced in Schedule B, the Principal Planning Officer summarised a number of points therein.

Additionally, since the Committee's previous consideration of the scheme the issue of nutrient neutrality had come to light, therefore the Principal Planning Officer recommended that Authority to Issue approval be given to the Corporate Director of Economic Development subject to conditions and a satisfactory solution to deal with nutrient neutrality.

Mr Nicholson (Stanwix Rural Parish Council) objected to the application in the following terms: the results of the original speed survey had been flawed as the measuring equipment had incorrectly categorised two cycles travelling close together as four-axled vehicles; the revised Automatic Traffic Count (ATC) erroneously stated that the speed limit in the area was 30mph when it was in fact the national speed limit of 60mph; the ATC equipment had been sited directly outside the application site thereby only counting the traffic passing over it and the remaining dwellings lying beyond, it did not take into account traffic using the lane in respect of the other dwellings in the hamlet which would also be affected by the proposal; an Officer of the Highway Authority had commented that the survey was not conducted to consider the capacity of the lane; the ATC counted 365 traffic movements in a week; there were discrepancies between the original and the revised reports in respect of average recorded speeds, which raised concerns in relation to accuracy; comparing the traffic impact of the current application to that of the adjacent

Shortdale Cottage was not relevant as conditions imposed on the development at Shortdale Cottage included the imposition of passing places which was not feasible in respect of the current scheme; the Officer's report had incorrectly identified the area where the Gosling Sike entered the River Eden, despite evidence provided by the Parish Council showing the correct entry point; any obstruction in the proposed surface water drainage system was likely to cause surcharging of highways drain gullies leading to flooding of Tarraby Lane at Meadow Cottage; the applicant would have little agency to prevent the flooding other than the clearance of highways gullies; a section of the proposed drainage system was sited beneath a residential property; were the condition to be amended to a Grampian condition, it was unlikely that the applicant would be able to comply with such a condition within the time-frame of a granted permission, as such the condition was unreasonable and unenforceable and could not be included within the consent; due to the arising of Nutrient Neutrality issues, the recommendation was for Authority to Issue to be given to the Corporate Director which meant that Statutory Consultees and the public would not be able to examine or comment on the assessment, given that it was a document needed to determine the application, it ought like all other reports be open to the public; at the Committee's earlier consideration of the application it was proposed and seconded that the application be refused, Mr Nicholson requested that the Committee refuse consent.

Ms Lightfoot (Agent) responded in the following terms: a camera had been installed along with the measuring equipment for the revised ATC which confirmed the earlier survey had registered two cycles as a four-axled vehicle; whilst there were differences in the average speed of traffic over the two surveys, the higher speed had been used as the basis for the measurement of the required visibility splays which a surveyor had confirmed where achievable and the Highway Authority had approved; the information provided in the revised survey was robust and fit for purpose; the recent Appeal Decision in respect of Shortdale Cottage had confirmed that the additional vehicular movements on a lightly trafficked road were not significant; a full camera survey of the drainage system had been undertaken and submitted to the Local Planning Authority and Lead Local Flood Authority; the proposed drainage system would lead to a betterment; CGI drawings of the proposed new dwellings had been submitted to demonstrate how the properties would accord with the approved drawings; the proposed scheme would provide 2 bungalows; the application met the requirements of the Local Plan and National Planning Policy Framework.

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- regarding the design the proposed scheme reflected the existing dwellings in a number of features including - door and window types, materials, catslide roof, porches and the reorientation of the site to create a courtyard;
- there was an identified need for bungalows;
- The National Design Code was not yet a material planning consideration.

In response to a request from a Member that swift bricks be incorporated into the new dwellings, the Principal Planning Officer undertook to include a condition in the consent.

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

RESOLVED: That Authority to Issue approval be given to the Corporate Director of Economic Development subject to conditions and a satisfactory solution to deal with nutrient neutrality.

**3. Application - 22/0087 - Firbank Farm Buildings, Firbank, Westlinton, CA6 6AQ
Proposal: Amendment to scheme approved under application 20/0471 (Erection of replacement agricultural buildings together with construction of new access track) (Retrospective Permission); and the siting of a silo**

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 22 June 2022.

Slides were displayed on screen showing: location plan; block plan; site plan; elevation and floor plans approved under application 20/0471; silo elevation plan; as proposed site plan; and, photographs of the site, an explanation of which was provided for the benefit of Members.

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

Mr Carr-Baugh (Objector) objected in the following terms: the application was necessary as a result of intensified farming, its impact should be mitigated; a retrospective planning application should not be considered in isolation; the stipulation of the consent under application 20/0471 that the south side of the shed be closed to protect against noise and disturbance had been ignored by the Officer; the current application sought to open the southern aspect and a section of central boarding within the structure had been opened up which would exacerbate noise and other nuisance disturbance with dust and straw escaping into the adjacent residential garden; the Officer had miscalculated the distance from the shed to the residential property; planning authorities were not permitted to authorise a nuisance; the noise assessment carried out Environmental Health took place prior to the use of the shed and the applicant was given advance warning of the assessments, thus the data was not representative; Environmental Health had not considered the finding of a third party noise report which showed exceedance of statutory noise limits in the adjacent property's master bedroom; the routing of farm traffic as proposed would have caused damage to the adjacent residential property and would be better confined to the north as per the earlier application, the Officer had not given proper consideration to the matter. Slides were displayed in screen showing; written summaries of the points made to Members; rejected and approved elevation plans in respect of application 20/0471; a plan of the south elevation as constructed in breach of 20/0471; photograph of the open southern elevation; a list of key and summary points; misleading noise conclusions; photograph of the front cover of a third party noise report, and certificate of calibration of equipment; sample Class II data recorded in master bedroom; noise record results from house master bedroom; slide summarising dust, straw and noise nuisance; photograph of dust escaping from application site to adjacent residential property; slide showing facilitation of unacceptable traffic flow; summary slide.

Councillor J Mallinson (Ward Member) addressed the Committee in the following terms: the present owners of Firbank House had been resident since 2000, for many years the farm buildings were little used and derelict; the Transfer Deed stated that the occupant of the retained building should not cause noxious smells, noise nuisance or annoyance to the transferee, it further showed the transferee had right of way over the retained land which was not gated and padlocked, denying the transferee access to their garage; the proposal for the shed was oversized; an earlier application to allow the southern aspect to remain open was rejected, it was currently partially open; given the new access route it was difficult to understand the necessity of opening the southern aspect; were the southern aspect to be closed the proposed scheme would be far more acceptable; it was important that measures to allow both parties to enjoy their respective properties without disturbance to each other were taken.

Mr Hutchinson (Agent) responded in the following terms: Firbank Farmhouse was purchased in

the knowledge that it was immediately neighboured by a farming business involving the rearing livestock; the business operated by having building open on the southern elevation with areas of hardstanding directly in front of the openings; the building replaced by the current proposal had openings on the southern elevation as well as a route running north-south between it and a neighbouring building; the previous building had been replaced to provide a new structure that was compliant with modern standards of health and safety; legislation and codes in respect of the health and safety of livestock covered the provision of ventilation, lighting, internal space, the condition of associated tracks and hardstanding along with variations dependent on age, sex, weight behavioural needs and whether the animals had horns; the current building provided an additional 67.5sqm of floorspace for livestock, based on the industry standard space per animal would lead to a further 13 – 14 animals, a 3-4% increase of the total livestock making up the business; it was not clear how such a limited increase would lead to a demonstrable adverse impact that was sufficient to merit refusal; the application site had been monitored on two separate occasions by Environmental Health with no objection raised as a result, the applicant had not been notified that the monitoring activity would take place; in the context of the other buildings at the farm having open southern elevations, along with the proposed silo, the application would enable vehicular access via the new track rather than using the drive which served Firbank and a narrow section of the existing yard thus allowing for effective and efficient operation of the farm.

The Chair invited the Planning Officer to respond to matters raised in the representations to the Committee.

The Planning Officer made the following points:

- The opening of the southern elevation was required for animal husbandry reasons as well as ventilation for the livestock and as an escape route for workers all of which were reasonable and acceptable;
- A senior Officer in Environmental Health confirmed that two assessments had been carried out over four days in total, the applicant was not notified of the assessments in advance;
- No Statutory Nuisance had been identified during the Environmental Health assessments of the site;
- There were no upper or lower limits associated with Statutory Noise Nuisance;
- Any issues relating to Statutory Nuisance were dealt with by Environmental Health not the planning process;
- Issues relating to Deeds were a civil matter and out with the planning process;
- The track was not subject of the current application.

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- The level of activity at the farm was considered normal;
- Statutory Nuisance matters were dealt with by Environmental Health in line with the relevant legislation;
- Private and Statutory Nuisance were separate matters and did not prevent the determination of the application, nor would the granting of planning permission prevent the submission of a claim in the civil courts.

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 on the Schedule of Decision attached to these minutes.

4. Application - 22/0088 - Firbank Farm, Firbank, Westlinton, CA6 6AQ

Proposal: Retrospective permission to extend track approved under 20/0471; re-surface to existing drive; and form/replace areas of hardstanding.

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 22 June 2022.

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

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

Mr Carr-Baugh (Objector) objected in the following terms: the application site was only 5m away from Firbank; mitigation planting would be preferable to chippings; the noise assessment had been inadequate; noise levels exceeded the statutory maximum of 70dBA; the proposed use was incompatible with the adjacent residential property; vehicle access was restricted. Mr Carr-Baugh requested that the Committee refuse the application. Slides were displayed on screen showing: incompatibility of use including a photograph on an agricultural vehicle being driven at Firbank and a list of impacts; disturbance to residents; failure to consider relevant facts including a list of issues; misleading conclusions in the Officer's report; a list of potential solutions.

Councillor J Mallinson (Ward Member) addressed the Committee in the following terms: given the space available at the farm it was difficult to understand why large agricultural vehicles needed to be parked against the boundary of a Listed house; the boundary wall which was in the ownership of the applicant was in poor condition; in the event of permission being granted it would be helpful if appropriate screening were incorporated.

Mr Hutchinson (Agent) responded in the following terms: the application had been submitted to facilitate the manoeuvring of vehicles and equipment and to provide a holding area for feed and bedding; the application was not a Change of Use it was associated with the farm; the proposed surfacing was intended to keep the site clear of mud and dirt; the proposal would not be detrimental to the character of the landscape, amenity of the area and living conditions sufficient to warrant refusal; the Heritage Officer considered that the proposal would not be detrimental to Firbank House; the Lead Local Flood Authority had not objected to the application. Slides were displayed on screen showing: an aerial picture of the application site and the as proposed site plan.

The Chair invited the Planning Officer to respond to matters raised in the representations to the Committee.

The Planning Officer made the following points:

- Damage to property was a civil matter;
- The proposal would not have a detrimental impact on a Listed Building;
- There were no restrictions on the operation of a farm as it would be detrimental to rural business;
- Mitigation planting was a matter for Members.

The Corporate Director of Economic Development advised that were Members to require it a condition may be imposed to incorporate planting to mitigate the proposal and provide an interface between the site and the Listed Building. She further invited Members to consider whether a Tree Preservation Order be considered for the Lime tree.

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- The residents of Firbank retained Right of Way over the joint access;
- The Lead Local Flood Authority had not objected to the onsite drainage;

A Member commented that in order to protect the amenity of residents a surface water drainage scheme was needed in respect of the hardstanding areas.

The Corporate Director of Economic Development undertook to incorporate a condition for surface water drainage.

A Member moved the Officer's recommendation along with additional conditions in respect of landscaping and surface water drainage, and an assessment of the Lime Tree for suitability for a Tree Preservation Order. The proposal was seconded and following voting it was:

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

2) That Officers assess the Lime tree for suitability for a Tree Preservation Order.

DC.060/22 STANDING ORDERS

RESOLVED - That Council Procedural Rule 9, in relation to the duration of meetings be suspended in order that the meeting could continue over the 3 hour time limit.

5. Application - 22/0078 - Bridge End Inn, Bridge End, Dalston, Carlisle, CA5 7BH Proposal: Change of use of garage to dual use consisting of staff accommodation and holiday let to be used in association with the Bridge End Public House (Revised Application).

The Principal Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 22 June 2022.

Slides were displayed on screen showing: location plan; proposed block plan; proposed elevations; and, photographs of the site, an explanation of which was provided for the benefit of Members.

The Principal Planning Officer recommended that Authority to Issue be given to the Corporate Director of Economic Development subject to conditions and a satisfactory solution to deal with nutrient neutrality.

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- The location of the substation had been considered and was deemed not to be an issue;
- Permission for residential use allowed for permanent occupation, the proposal would have a more restricted use;
- Any extension to the beer garden would require the appropriate planning permission;

A Member asked whether it was possible for an opening in the hedge between the application site and the public house were able to be created.

The Principal Planning Officer responded that he would raise the issue with the applicant, but that it was not able to be included as a condition.

A Member noted that objectors had raised issues in relation to the use of floodlighting, he asked if it was intended to control the lighting used at the site.

The Principal Planning Officer advised that were Members to require it a condition may be included in the permission requiring details of lighting to be submitted.

A Member moved the Officer's recommendation along with the imposition of an additional condition requiring details of lighting to be submitted for approval. The proposal was seconded and following voting it was:

RESOLVED: That Authority to Issue be given to the Corporate Director of Economic Development subject to conditions and a satisfactory solution to deal with nutrient neutrality.

DC.061/22 SCHEDULE B - DECISIONS TAKEN BY OTHER AUTHORITIES

RESOLVED - That the content of the report be noted.

The meeting ended at 13:20

Schedule of Decisions

Control of Development and Advertisements

The Development Control Committee received and considered the following applications:

Item no: 01

Appn Ref No: 19/0244	Applicant: Citadel Estates Ltd	Parish: Burgh-by-Sands
Date of Receipt: 22/03/2019 11:00:46	Agent: Sam Greig Planning	Ward: Dalston & Burgh
Location: Land at field 3486, Monkhill Road, Moorhouse, Carlisle	Grid Reference: 333336 556858	

Proposal: Erection Of 14no. Dwellings

Members resolved to give authority to the Corporate Director (Economic Development) to issue approval for the proposal subject to the completion of a legal agreement. The Section 106 Agreement to consist of the following obligations:

- a) the provision of on-site intermediate 2no. 2 bedroom dwellings (Plots 6 and 7) for low cost homes ownership at 30% discounted rate of market value; and
- b) details of a Management Company for the application site detailing arrangements for the maintenance of the retained hedgerows; internal landscaping features; surface water drainage and internal roadways.

If the S106 Agreement is not completed, Members resolved to give authority to the Corporate Director of Economic Development to issue refusal of the proposal.

Item no: 02

Appn Ref No: 21/1143	Applicant: D Routledge	Parish: Stanwix Rural
Date of Receipt: 14/12/2021 16:01:45	Agent: Summit Town Planning	Ward: Stanwix & Houghton
Location: Land adjacent to Meadow Cottage, Tarraby, Carlisle, CA3 0JS	Grid Reference: 340870 558197	

Proposal: Erection Of 4no. Dwellings And Associated Works

Members resolved to give authority to the Corporate Director (Economic Development) to issue approval for the proposal subject to conditions and a satisfactory solution to deal with nutrient neutrality.

Item no: 03

Appn Ref No:
22/0087

Applicant:
Mr Iain Morrison

Parish:
Westlinton

Date of Receipt:
08/02/2022

Agent:
Harraby Green Associates

Ward:
Longtown & the Border

Location:
Firbank Farm Buildings, Firbank, Westlinton, CA6
6AQ

Grid Reference:
338078 564787

Proposal: Amendment To Scheme Approved Under Application 20/0471 (Erection Of Replacement Agricultural Building Together With Construction Of New Access Track) (Retrospective Permission); And The Siting Of A Silo

Grant Permission

1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the submitted planning application form, received 8 Feb 2022;
 2. the location plan (dwg no. 2251-A-01A), received 18 Feb 2022;
 3. the proposed block plan (dwg no. 2251-A-04A), received 18 Feb 2022;
 4. the proposed site plan (dwg no. 2251-A-05), received 8 Feb 2022;
 5. the silo plan (dwg no. 2251-A-11), received 8 Feb 2022;
 6. the revised floor and elevations plan for the agricultural building (dwg no. 2251-B-10 Rev A), received 9 Jun 2022;
 7. the heritage, design and access statement, received 8 Feb 2022;
 8. the Notice of Decision;
 9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

2. No work associated with the construction of the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after

1800 hours on weekdays and 1300 hours on Saturdays (nor at any times on Sundays or statutory holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

Relevant Development Plan Policies

Item no: 04

Appn Ref No:
22/0088

Applicant:
Mr Iain Morrison

Parish:
Westlinton

Date of Receipt:
08/02/2022

Agent:
Harraby Green Associates

Ward:
Longtown & the Border

Location:
Firbank Farm, Firbank, Westlinton, CA6 6AQ

Grid Reference:
338078 564787

Proposal: Retrospective Permission To Extend Track Approved Under Application 20/0471; Re-Surface Existing Drive; And Form/Replace Areas Of Hardstanding

Grant Permission

1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the submitted planning application form, received 8 Feb 2022;
 2. the location plan (dwg no. 2251-B-01A), received 18 Feb 2022;
 3. the proposed site plan (dwg no. 225-B-05), received 8 Feb 2022;
 4. the proposed block plan (dwg no. 225-B-04A), received 8 Feb 2022;
 5. the Heritage, Design and Access Statement (including Tree Protection), received 8 Feb 2022;
 6. the Notice of Decision;
 7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

2. No work associated with the construction of the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any times on

Sundays or statutory holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

3. Prior to the commencement of the development hereby approved, a soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the new hard surfaced areas being brought into use. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure a satisfactory landscaping scheme is implemented to fulfil the requirements of policy SP6 of the Carlisle District Local Plan 2015-2030.

4. Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and environmental management, and to support Local Transport Plan Policies: LD7, LD8.

Relevant Development Plan Policies

Item no: 05

Appn Ref No:
22/0078

Applicant:
Mr Brown

Parish:
Dalston

Date of Receipt:
07/02/2022

Agent:
Sam Greig Planning Ltd

Ward:
Dalston & Burgh

Location:
Bridge End Inn, Bridge End, Dalston, Carlisle, CA5
7BH

Grid Reference:
337047 548729

Proposal: Change Of Use Of Garage To Dual Use Consisting Of Staff Accommodation & Holiday Let To Be Used In Association With The Bridge End Public House (Revised Application)

Members resolved to give authority to the Corporate Director (Economic Development) to issue approval for the proposal subject to conditions and a satisfactory solution to deal with nutrient neutrality.

Item no: 06

Appn Ref No:
19/0871

Applicant:
Magnus Homes Ltd

Parish:
Wetheral

Date of Receipt:
13/11/2019 16:00:52

Agent:
Harraby Green Associates

Ward:
Wetheral & Corby

Location:
Land North of Holme Meadow, Cumwhinton,
Carlisle, CA4 8DR

Grid Reference:
344780 552906

Proposal: Erection Of 5 No. 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)

Decision: Refuse Permission

Date: 11/06/2021

Decision of: Planning Inspectorate

Decision Type: Appeal Dismissed

Date: 04/05/2022

Item no: 07

Appn Ref No:
20/0681

Applicant:
Bowe Dairy Farming

Parish:
Dalston

Date of Receipt:
08/10/2020

Agent:
PFK

Ward:
Dalston & Burgh

Location:
Chalk Lodge, Cumdivock, Dalston, Carlisle, CA5
7JL

Grid Reference:
334261 547405

Proposal: Roofing Over Of Existing Open Silage Clamp Area

Decision: Refuse Permission

Date: 30/07/2021

Decision of: Planning Inspectorate

Decision Type: Appeal Dismissed

Date: 03/05/2022

Item no: 08

Appn Ref No:
20/0692

Applicant:
Mr & Mrs Keith Ormiston

Parish:
Stanwix Rural

Date of Receipt:
14/10/2020

Agent:
Sam Greig Planning

Ward:
Stanwix & Houghton

Location:
Land adjacent to Shortdale Cottage, Tarraby Lane,
Tarraby, Carlisle, CA3 0JT

Grid Reference:
340376 558447

Proposal: Residential Development (Outline) (Revised Application)

Decision: Grant Permission

Date: 23/02/2021

Decision of: Planning Inspectorate

Decision Type: Appeal Allowed

Date: 24/05/2022

Item no: 09

Appn Ref No:
21/9108

Applicant:
Cumbria County Council

Parish:
Multiple Parishes

Date of Receipt:
25/11/2021

Agent:
Cumbria County Council -
Economy & Planning

Ward:
Multiple Wards

Location:
Land between Junction 42 of M6 & Newby West
Roundabout (Junction of A595 & A689 CNDR) to
South of Brisco, Durdar & Cummersdale Villages,
Carlisle

Grid Reference:
337346 553615

Proposal: Discharge Of Conditions 15 (Construction Traffic Management Plan); 18 (Soil & Earth Material Management Plan); 21 (Protection Of Utility Infrastructure) & 22 (Archaeology) Of Previously Approved Permission 19/9012/CTY

Development Control Committee

Date: Wednesday 3 August 2022

Time: 10:00

Present: Councillors Allison (from 11:20am, as substitute for Councillor Bomford), Mrs Bowman, Christian, Collier (until 11:15am), Ms Ellis-Williams (as substitute for Councillor Morton), McKerrell (as substitute for Councillor Finlayson), Meller and Wills.

Also Present: One representative of Dalston Parish Council attended the site visit at Dalston Hall Caravan Park, Dalston, Carlisle, CA5 7JX – application 22/0364.

Officers: Head of Development Management
Principal Planning Officer
Planning Officer x 2

DC.062/22 APPOINTMENT OF CHAIR FOR MEETING

Nominations were sought for a Chair of the Committee for the meeting.

It was moved and seconded that Councillor Meller be appointed as Chair of the meeting.

RESOLVED – Councillor Meller be appointed Chair for the meeting.

DC.063/22 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Alcroft, Finlayson, Mrs Glendinning, Morton, Tinnion and the Corporate Director of Economic Development.

DC.064/22 DECLARATIONS OF INTEREST

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

Councillor Mrs McKerrell declared an interest in respect of application 22/0364 – Dalston Hall Caravan Park, Dalston, Carlisle, CA5 7JX. The interest related to her being the Chair of Dalston Parish Council.

Councillor Mrs Bowman declared an interest in respect of applications 22/0261 and 22/0262 – Citadels Building, English Street, Carlisle. The interest related to her being a member of the Executive.

DC.065/22 SITE VISITS

As agreed with the Chair the following site visit was undertaken:

Applica tion	Short Particulars of Development	Applicant and/or Agent	Approx time of Inspection
22/0364	<ul style="list-style-type: none"> Change Of Use Of Land For 38no. Holiday Lodges To Be Used For A 12 Month Season Dalston Hall Caravan Park, Dalston, Carlisle, CA5 7JX 	Etman Enterprises Ltd / Lambe Planning and Design	10:14 – 10:33am
22/0219	<ul style="list-style-type: none"> Erection Of Distribution Centre (Use Class B8) (Including Ancillary Office Space), Associated Car Parking & Service Yard; Associated Storage Of Vehicles & Trailers; New Access 	WSP / Kingmoor Park	10:49 – 11:06am

	Road; & Associated Engineering, Infrastructure & Landscaping Land at Dukes Drive, Kingmoor Park North, Carlisle, CA6 4SD	Properties Ltd	
	Councillor Collier left the meeting at 11:15am		
22/0261	<ul style="list-style-type: none"> Change Of Use Of The Existing Citadels Buildings (Which Comprise The Crown Court, Nisi Prius & Hospital Wing), 94-96 English Street (Known As Woolworths Building), 98-104 English Street & 185 Victoria Viaduct (Known As Burton's Building) To Higher Education Use [Class F1(a)] With Ancillary Café [Class E(b)] At The Ground Floor Of The Woolworths Building; Erection Of A Single Storey Roof Extension To The Woolworths Building; Demolition Of 106-114 English Street & The Kramer Building (Former CUCC Offices) & Construction Of A New University Entrance; Reconfiguration Of The Former Paton House (Now Demolished) Car Park & Construction Of A 4 Storeys Over Ground Floor Level (Maximum) Building With Associated Roof Terraces For Higher Education Use [Class F1(a)] At Bush Brow; With Associated Pedestrian Access Point Through The Former Gaol Wall, Landscaping Enhancements To The Citadels Gardens; Creation Of New Publicly Accessible Privately Owned (& Managed) Public Realm/Civic Space Within The Centre Of The Scheme & Associated Adjacent Highways Works & Alterations To Existing Citadels Buildings (Which Comprise The Crown Court, Nisi Prius & Hospital Wing); Insertion Of Opening To The Gaol Wall; Demolition Of 106-114 English Street, The Kramer Building & The Toilet Block To The Crown Court; Reinstatement Of Railings To Citadel Gardens; Comprehensive Refurbishment Of Former Crown Court, Nisi Prius & Hospital Wing To Provide Higher Education (Office & Teaching Spaces) Including Replacement Of Mechanical & Electrical Services, Installation Of WC's, Accessibility Enhancements & Removal Of Modern Detrimental Additions & Partitions; Hospital Wing Alterations Include: Removal Of Various Modern Subdivisions Across The Hospital Wing; Reopening Of Former Openings In The Hospital Wing External Elevations & New Bridges & Openings At First Floor Of The Hospital Wing (LBC) 	University of Cumbria / DPP	11:20 – 1:14pm
& 22/0262	Citadels Building, English Street, Carlisle.		

(The meeting ended at 13:14)

Development Control Committee

Date: Friday, 5 August 2022 **Time:** 10:00

Venue: Council Chamber

Present: Councillor Mrs Marilyn Bowman, Councillor Nigel Christian, Councillor John Collier, Councillor Keith Meller, Councillor David Morton, Councillor Christopher Wills, Councillor Trevor Allison (for Councillor Jeffrey Bomford), Councillor Ms Jo Ellis-Williams (for Councillor Mrs Christine Finlayson).

Also Present: Councillor Allison (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 22/0372 – Former Beaumont Waste Disposal Site, L/Adj. field 6065, Monkhill.

Officers: Corporate Director of Economic Development
Head of Development Management
Head of Legal and Democratic Services
Principal Planning Officer
Planning Officer (x2)

DC.067/22 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Alcroft, Bomford, Finlayson, and Tinnion.

DC.068/22 DECLARATIONS OF INTEREST

In accordance with the Council's Code of Conduct the following declaration of interest was submitted:

The Head of Legal and Democratic Services noted that in respect of applications 22/0261 and 22/0262 – Citadels Building, Carlisle a number of reports had previously been submitted to various Council Committees. She gave an overview of the advice she had given to Members relating to predisposition and predetermination.

- Councillor Mrs Bowman declared an interest in respect of the following applications – 22/0261 and 22/0262 – Citadels Building, English Street, Carlisle. The interest related to her being a member of the Executive.

- Councillor Christian declared an interest in respect of the following applications – 22/0261 and 22/0262 – Citadels Building, English Street, Carlisle. The interest related to his being a member of the Executive.

- Councillor Allison declared an interest in respect of application 22/0364 – Dalston Hall Caravan Park, Dalston, Carlisle, CA5 7JX. The interest related to a family member's expression of support for the application.

Councillor Allison advised that he had registered a Right to Speak in his capacity as Ward Member in respect of application 22/0372 – Former Beaumont Waste Disposal Site, L/Adj. field 6065, Monkhill, CA5 6DH. Therefore, he would not take part in the discussion nor determination of the application.

DC.069/22 PUBLIC AND PRESS

RESOLVED - That the agenda be agreed as circulated.

DC.070/22 MINUTES OF PREVIOUS MEETINGS

RESOLVED 1) The Chair signed the minutes of the meetings held on 6 April (site visits), 8 April, 11 May (site visits), 13 May and 22 June 2022.

2) That the minutes of the meetings held on 24 June and 3 August 2022 (site visits) be approved.

DC.071/22 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Head of Legal and Democratic Services set out the process for those Members of the public who had registered a Right to Speak at the Committee.

DC.072/22 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 – 22/0261 – Citadels Building, English Street, Carlisle

Proposal: Change Of Use Of The Existing Citadels Buildings (Which Comprise The Crown Court, Nisi Prius & Hospital Wing), 94-96 English Street (Known As Woolworths Building), 98-104 English Street & 185 Victoria Viaduct (Known As Burton's Building) To Higher Education Use [Class F1(a)] With Ancillary Café [Class E(b)] At The Ground Floor Of The Woolworths Building; Erection Of A Single Storey Roof Extension To The Woolworths Building; Demolition Of 106-114 English Street & The Kramer Building (Former CUCC Offices) & Construction Of A New University Entrance; Reconfiguration Of The Former Paton House (Now Demolished) Car Park & Construction Of A 4 Storeys Over Ground Floor Level (Maximum) Building With Associated Roof Terraces For Higher Education Use [Class F1(a)] At Bush Brow; With Associated Pedestrian Access Point Through The Former Gaol Wall, Landscaping Enhancements To The Citadels Gardens; Creation Of New Publicly Accessible Privately Owned (& Managed) Public Realm/Civic Space Within The Centre Of The Scheme & Associated Adjacent Highways Works.

&

2. Application – 22/0262 – Citadels Building, English Street, Carlisle

Proposal: Alterations To Existing Citadels Buildings (Which Comprise The Crown Court, Nisi Prius & Hospital Wing); Insertion Of Opening To The Gaol Wall; Demolition Of 106-114 English Street, The Kramer Building & The Toilet Block To The Crown Court; Reinstatement Of Railings To Citadel Gardens; Comprehensive Refurbishment Of Former Crown Court, Nisi Prius & Hospital Wing To Provide Higher Education (Office & Teaching Spaces) Including Replacement Of Mechanical & Electrical Services, Installation Of WC's, Accessibility Enhancements & Removal Of Modern Detrimental Additions & Partitions; Hospital Wing Alterations Include: Removal Of Various Modern Subdivisions Across The Hospital Wing; Reopening Of Former Openings In The Hospital Wing External Elevations & New Bridges & Openings At First Floor Of The Hospital Wing (LBC).

The Planning Officer submitted the reports on the applications which had been subject of a site visit by the Committee on 3 August 2022. Slides were displayed on screen showing: location

plan; the suggested wording of a condition regarding the adjustment of floor levels at Court Rooms; floor plans; elevation plans; artist's impressions of the proposed Gateway Building and Teaching Block; proposed Gaol Wall opening; former city wall interpretation; vehicle access and parking plan; The Forum; and, photographs of the site, an explanation of which was provided for the benefit of Members.

In respect of application 22/0262, the Planning Officer advised that the proposal necessitated the adjustment to existing floor levels into the court rooms, applying to both Crown Court and Nisi Prius buildings. As details regarding the amended floor levels had not been received, the Planning Officer suggested, in the event of the application being approved, that the following additional condition be included in the consent:

'Prior to the commencement of any works in relation to either raising or lowering of floor levels within the court rooms of the Crown Court and Nisi Prius Buildings, detailed drawing including sections shall be submitted and approved by the local planning authority.'

The Planning Officer recommended that the applications be approved, subject to the conditions detailed in the report, along with an additional condition in respect of the adjustment of floor levels at Court Rooms.

The Committee then gave consideration to the applications.

In response to Members' questions, Officers confirmed:

- No plans on the future of the existing University sites in the district had been proposed to date, it was likely any such proposals would require planning permission to implement;
- Condition 7 of application 22/0262 set out fire protection measures;
- The Local Cycling and Walking Infrastructure Plan, approved by Cumbria County Council, would co-ordinate approaches to movement around the application site;
- The currently submitted Travel Plan was in draft form, Condition 25(i) required the submission of the details of the final plan. The Corporate Director indicated that she would pass on a Member's comments regarding the inclusion of measures to encourage users to utilise sustainable means of transport to access the site;
- The applicant had included Electric Vehicle Charging points in 50% of the parking spaces provided to assess the use of such a facility, were further points needed they may be incorporated into the site in the future.

A Member noted that the Applicant had indicated that they wished the proposed development to be zero carbon ready and proposed the installation of solar panels on the roof of the facility as part of the phase 2 development of the site. Phase 2 being implemented was subject to a number of factors, were it not to be brought forward the provision of solar panels may be lost. The Member requested that a condition requiring the installation of solar panels, should Phase 2 of the scheme not be progressed, be implemented in Phase 1.

The Head of Development Management advised that a condition, including a timescale for implementation may be included in the consent.

A number of Members welcomed the proposed scheme.

A Member moved the Officer's recommendation along with the imposition of additional conditions in respect of: the provision of details relating to adjusted floor levels (application 22/0262) and the installation of solar panels during phase 1 of the development if phase 2 were not to be taken forward (application 22/0261). The proposal was seconded and following voting it was:

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

The Committee adjourned at 11:00am and reconvened at 11:12am.

3. Application – 22/0219 – Land at Dukes Drive, Kingmoor Park North, Carlisle, CA6 4SD. Proposal: Erection Of Distribution Centre (Use Class B8) (Including Ancillary Office Space), Associated Car Parking & Service Yard; Associated Storage Of Vehicles & Trailers; New Access Road; & Associated Engineering, Infrastructure & Landscaping.

The Head of Development Management submitted the report on the application which had been subject of a site visit by the Committee on 3 August 2022. Slides were displayed on screen showing: location plan; site plan, as proposed; GA plan as proposed; elevation plans; section plan; proposed cycle shelters details plan; proposed waste compound details plan; planting strategy plan; and, photographs of the site, an explanation of which was provided for the benefit of Members.

During the Committee's site visit Members had raised concerns in relation to light mitigation for the existing residential properties adjacent to the site. Condition 9, as set out in the report, required the submission of details regarding external lighting in relation to the protection of European Species; however, it did not address the issue of residential amenity. The Head of Development Management suggested that the supporting reason for Condition 9 be amended to include reference to the impact on residential amenity.

The Head of Development Management recommended that the application be approved, subject to the conditions detailed in the report, and the amendment of the supporting reason for Condition 9.

The Committee then gave consideration to the application.

In response to Members' questions, Officers confirmed:

- There were no plans to impose traffic restrictions on either side of the site's vehicular access as there was an access point to another site on the opposite side of the highway;
- The Highway Authority had not raised any concerns in relation to the proposal, visibility at the vehicular access / egress point was good;
- The Travel Plan submitted with the application would, in the event of permission being granted, become an Approved Document thereby making the Plan enforceable. The Plan was part of the wider Kingmoor Park Travel Plan;
- Funding of the Cargo Cycleway had not been released under the Local Cycling and Walking Infrastructure Plan from Cumbria County Council, nor were the specific details of the route known;
- The installation of solar panels had been discussed with the applicant. Whilst the scheme did not make provision for them, panels may be installed in the future without requiring planning permission. Planning permission had recently been granted for a solar farm at an adjacent site, which the applicant may choose to use;
- The Kingmoor Nature Reserves were accessible from the site, the proposed scheme incorporated tree planting and environmental corridors to the Reserves.

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 within the Schedule of Decisions attached to these minutes.

4. Application – 22/0214 – The Forge Skellion Farm, How Mill, Brampton, CA8 9JL
Proposal: Variation of Condition 15 & removal of Condition 16 of previously approved permission 14/0003 (Erection of 1no. Holiday Letting Unit on site of redundant agricultural building) to enable mixed residential and holiday let use of The Forge/Barn ‘B’.

The Principal 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 Principal Planning Officer recommended that the application be refused.

Mr Hutchinson (Agent) addressed the Committee in the following terms: the current use of the site as a holiday lettings business had previously been sustainable; bookings and occupancy rates had begun to reduce in 2017, that trend had been exacerbated by the Covid 19 pandemic restrictions; slides were displayed on screen showing: annual holiday let bookings and night occupancy 2015 – 2022; and location plan; the applicant had particular concerns relating to the periods when the site was not occupied; the presence of the holiday let affected the ability to let the remaining residential units at the site, including the farmhouse; the proposal was submitted with a view to enabling greater flexibility and to allow The Forge to be let for more extensive periods as a residential dwelling as it was evident that the building was able to be occupied on a permanent basis; there was no intention to separate The Forge from the remaining dwellings at Skellion Farm; the condition which the applicant sought to remove had been imposed with the consent in 2014, from which time planning policy had evolved; Paragraph 80(c) of the National Planning Policy Framework indicated that, in the countryside, the reuse of disused buildings was acceptable, it did not impose a hierarchy of uses regarding the accessibility of location; Local Plan policy HO 6 – Other Housing in the Open Countryside also supported conversion of disused rural buildings with no preference for tourism use over residential nor did it contain reference to the accessibility of location; there was no evidence that the proposal would result in materially greater vehicle use compared to the existing holiday let operation; were the application to be approved future occupants of the unit may support local facilities and services year round; the proposed mixed use of the site was in accord with both local and national planning policy.

In response to a question from a Member regarding the operation of the farm and letting of the farmhouse, the Principal Planning Officer confirmed that the farm was no longer in operation and that the farmhouse was available to let on a residential basis.

Regarding the Agent's comments on planning policy relating to disused buildings the Principal Planning Officer advised that the building subject of the proposal was not disused, he noted that it was a new build property that had replaced an open barn which was not suitable for conversion.

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

RESOLVED: That the application be refused for the reasons indicated within the Schedule of Decisions attached to these minutes.

5. Application - 22/0364 – Dalston Hall Caravan Park, Dalston, Carlisle, CA5 7JX
Proposal: Change Of Use of land for 38no. Holiday Lodges to be used for a 12 month season.

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 3 August 2022. Slides were displayed on screen showing: location plan;

site layout plan; and, photographs of the site, an explanation of which was provided for the benefit of Members.

During the Committee's site visit, Members had raised a number of issues which the Planning Officer responded to as follows:

- The copse contained a small number of juvenile Ash trees, the applicant had confirmed that any diseased Ash trees would be removed and replaced with alternative trees. Accordingly, were Members approve the application, condition 5 on page 196 of the main schedule would be re-worded to include the submission of a landscaping scheme including the planting of evergreen species for not only the application site but also the land between the application site and the north-eastern boundary of Dalston Hall which is also in the ownership of the applicant;
- The grassed area within the centre of the application site - the applicant had confirmed that areas within the application site would be left as a wildflower and long grass meadow to encourage wildlife and biodiversity. The location of these areas would also form part of the landscaping scheme should Members approve the application.

The Planning Officer recommended that Authority to Issue approval be given to the Corporate Director of Economic Development subject to a satisfactory solution to the issue of nutrient neutrality.

Mr Grieg (on behalf of Mr Meyer, Dalston Hall Hotel) addressed the Committee in the following terms: the owners of Dalston Hall Hotel did not object to the principle of extending the caravan park, however they were concerned about the impact of the proposed scheme on the setting of the Grade II* Listed Building; the primary concern was the erosion of the view from within the two battlement towers, which guests were able to access, any alteration to the view would constitute an impact on the setting of the Listed Building; the applicant had contended that the existing and proposed planting would limit any visual impact on Dalston Hall, however, the caravan park would be visible from the Listed Building in the winter months; landscaping ought not to be relied upon to provide visual screening as it had a limited lifespan; with the use of an aerial picture Members were shown a tree which formed part of the screening that was within the ownership of Dalston Hall, not the applicant; notwithstanding the application's description of the units being added to the site as lodges, they were in fact caravans, which could be replaced in future without the need for planning permission to stipulate the appearance of new units. Mr Greig requested that the Committee refuse the application on the basis that the landscaping was not a sufficient safeguard for the setting of the Dalston Hall.

Mr Holder (Applicant) responded in the following terms: no Statutory Consultee had objected to the proposal; 20 letters had been submitted in support of the application; the existing boundary screening and landscaping between the application site and the Listed Building was under the control of the applicant and already afforded effective screening; additional landscaping using native trees across the was provided for under the proposal as was a wildflower and long grass meadow to increase biodiversity; the scheme sought to expand an existing rural business that contributed to the local and wider economy, approving the application would augment those benefits; any harm caused by the proposal was strongly outweighed by the economic, tourist and employment benefits it would realise.

A Member noted that many Listed Buildings were surrounded by trees, he asked what methods were available the Council to prevent the removal of the woodland at the application site which provided screening for Dalston Hall?

The Head of Development Management responded that there were two mechanisms available to the Council: planning condition and Tree Preservation Order (TPO), he gave an overview of the

types of TPO. Additionally, the Forestry Commission had a Felling Licence process for the cutting down of trees.

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

RESOLVED: That Authority to Issue approval be given to the Corporate Director of Economic Development subject to a satisfactory solution to the issue of nutrient neutrality.

6. Application - 22/0372 – Former Beaumont Waste Disposal Site, L/adj. Field 6065, Monkhill, CA5 6DH

Proposal: Change Of Use of land for the keeping of horses, erection of stables, paddock & levelled yard via field access track (Retrospective).

Councillor Allison removed himself from his seat and took no part in the discussion nor determination of the application.

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

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

Objector 1 objected to the application in the following terms: they had moved into their property in January 2022, the following month a 40ft building and caravan were installed on site; the caravan was being used by people for overnight stays, the granting of permission would likely increase the frequency of such activity; trees had been removed from site whose purpose was to clean the land; approving the application would make a mockery of the planning department.

Objector 2 objected to the application in the following terms: the works already carried out at the site was not the same as specified in the application which sought retrospective permission; there had frequently been one or two vehicles parked all night at the site suggesting the caravan was being used for residential purposes; the removal of trees had continued after the submission of the application; scrap was taken to and from the site as well as being burnt there; the smoke from the burning taking place may put visitors to the area off from returning; the proposed scheme was detrimental to wildlife.

Objector 3 objected to the application in the following terms: the site was a former waste disposal facility that had operated 60 years ago when less restrictions were imposed to prevent the contamination of nearby watercourse(s) and land; at the conclusion of its former use the site was subject to earth works including tree planting and was sealed to protect nearby watercourses; no risk assessment had undertaken prior to the removal of trees at the site; the Objector questioned who would be responsible were environmental damage to occur as a result of the work and considered that the Environment Agency should be involved in the application process; the Objector was doubtful that conditions imposed in any permission were likely to be complied with as such enforcement action would be necessary but it was not evident that the Council had sufficient resources to deliver that. The Objector requested that the application be refused and the site returned to its former condition or that a decision be deferred with the land being returned to its former condition until the application was determined.

Councillor Allison (Ward Member) addressed the Committee in the following terms: he supported the proposal subject to the imposition of relevant conditions; there was a disconnect between the

reports of local residents and aspect of the Officer's report; there were inconsistencies in the assessment of the electrical generator connected to the caravan – paragraph 6.36, 6.42 and 6.43; the Fire Service had attended the site on a number of occasions, paragraph 6.48 of the report stated that the Service was satisfied that clean waste was being burned at fires were well controlled, yet the report did not explain the source of the waste material; the Council's Environmental Health team were also investigating allegation of burning waste but were yet to report; resolving the issues in respect of the caravan and burning materials would lead to a decrease in friction between objectors and the applicant; condition 3 was ambiguously worded as it referred only to the stable building and may be perceived as providing tacit approval for the residential use of the caravan and the burning of waste at the site.

Ms Sirey (on behalf of the Applicant) responded in the following terms: the application sought permission for equestrian use of the site; the Officer's report indicated that the development would not impact on the surrounding areas or the Hadrian's Wall World Heritage Site; the Highway Authority had not objected to the proposal; the caravan installed on site was to provide shelter and an area for refreshments, the Officer had undertaken several visits to the site and confirmed that no evidence of occupation of the caravan (paragraph 6.36 refers); the diesel generator was used to power the light of the stables at the site; the burning of fires in gardens was commonplace, Cumbria Fire and Rescue Service had confirmed no cable had been burned at the site; the applicant was a former scrap dealer, the site had not been used for the storage or burning of scrap; trees had been removed from the site which were not stable in the ground and were a potential danger to the horses, none of the trees were subject to a Tree Preservation Order; condition 4 in the proposed consent stipulated a requirement for an investigation and risk assessment of the nature and extent of any contamination on site, that work was in process; in the event of permission being granted the applicant understood that conditions would be imposed and was happy to comply with them.

The Chair asked Ms Sirey if she resided at the address provided on the application form for planning permission? Ms Sirey confirmed that she did.

The Chair further asked Ms Sirey when the report on the investigation into contamination at the site was expected to be completed? Ms Sirey reiterated that the work had commenced but was not able to advise when it would be completed.

In response to points made in the verbal representation to the Committee the Principal Planning Officer noted:

- the application was for a stable which was small in scale and would be screened, making the proposal acceptable;
- the caravan was being used throughout the day as a place of shelter;
- the Forestry Commission was looking into the removal of trees at the site;
- the Council's Environmental Health team were looking into the issue of burning materials at the site;
- condition 4 afforded the applicant three months from the date of the granting of permission to submit a report relating to contamination at the site.

The Chair proposed that determination of the application be deferred in order for the Committee to undertake a site visit. Members indicated their consent.

RESOLVED: That determination of the application be deferred in order for the Committee to undertake a site visit and that a further report on the application be submitted to a future meeting of the Committee.

The Committee adjourned from 12:30pm and reconvened at 12:40pm.

Councillor Allison resumed his seat.

7. Application - 22/0489 – Sunnyside, Moorhouse Road, Moorhouse, Carlisle, CA5 6EJ
Proposal: Erection of single storey side extension to provide extended utility and home office.

The Head of Development Management submitted the report on the application which had been presented to the Committee as the applicant was an employee of the Council. Slides were displayed on screen showing: location plan; existing and proposed elevations and 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.

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 within the Schedule of Decisions attached to these minutes.

Councillor Collier having left his seat took no part in the vote on the application.

DC.73/22 SCHEDULE B - DECISIONS TAKEN BY OTHER AUTHORITIES

RESOLVED - That the content of the report be noted.

DC.74/22 RIGHT TO SPEAK POLICY – CLARIFICATION UPDATE

The Head of Development Management submitted report ED.19/22 which presented an update on the Right to Speak policy in operation for the Development Control Committee. At its meeting of 29 June 2022, the Standards Committee resolved that the Corporate Director of Economic Development review the policy (minute ST.04/22 refers).

The report set out the following changes to the Rights to Speak policy:

- The deadline for registering a Right to Speak be 16:00hrs on the Wednesday prior to the Committee meeting;
- Clarification on the allocated time for Ward Members to address the Committee when speaking behalf of another party;
- Clarification on the deadline for submitting presentations to be shown to the Committee.

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

RESOLVED – That the revisions to the Right to Speak policy be approved.

DC.75/22 PUBLIC AND PRESS

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A to the 1972 Local Government Act.

DC.76/22 PLANNING ENFORCEMENT UPDATE

The Head of Development Management submitted report ED.19/22 –Planning Enforcement Update which set out details of a number of enforcement case being dealt with by the Council and analysis of quarterly and annual figures. He provided a verbal update on progress regarding several of the cases therein.

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

A Member moved the Officer's recommendation, the proposal was seconded.

RESOLVED – That the content of the report be noted.

The Meeting ended at: 12:52

Schedule of Decisions

Control of Development and Advertisements

The Development Control Committee received and considered the following applications:

Item no: 01

Appn Ref No:
22/0261

Applicant:
University of Cumbria

Parish:
Carlisle

Date of Receipt:
29/03/2022

Agent:
DPP

Ward:
Cathedral & Castle

Location:
Citadel Buildings, English Street, Carlisle

Grid Reference:
340171 555644

Proposal: Change Of Use Of The Existing Citadels Buildings (Which Comprise The Crown Court, Nisi Prius & Hospital Wing), 94-96 English Street (Known As Woolworth Buildings), 98-104 English Street & 185 Victoria Viaduct (Known As Burton's Building) To Higher Education Use [Class F1(a)] With Ancillary Café [Class E(b)] At The Ground Floor Of The Woolworth Buildings; Erection Of A Single Storey Roof Extension To The Woolworth Buildings; Demolition Of 106-114 English Street & The Kramer Building (Former CUCC Offices) & Construction Of A New University Entrance; Reconfiguration Of The Former Paton House (Now Demolished) Car Park & Construction Of A 4 Storeys Over Ground Floor Level (Maximum) Building With Associated Roof Terraces For Higher Education Use [Class F1(a)] At Bush Brow; With Associated Pedestrian Access Point Through The Former Gaol Wall, Landscaping Enhancements To The Citadels Gardens; Creation Of New Publicly Accessible Privately Owned (& Managed) Public Realm/Civic Space Within The Centre Of The Scheme & Associated Adjacent Highways Works

Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form, received 29 Mar 2022;
2. Location Plan (Dwg No. DAY-XX-XX-DR-A-04-0100), received 29 Mar 2022;
3. Proposed Site Plan (Dwg No. DAY-XX-XX-DR-A-04-0110), received 29 Mar 2022;
4. Proposed Block Plan (Dwg No. DAY-XX-XX-DR-A-04-0124), received 29 Mar 2022;
5. Section and elevation Key (Dwg No. DAY-XX-XX-DR-A-04-0125), received 29 Mar 2022;
6. Demolition GIA Use Category Plans (Dwg No. DAY-XX-ZZ-DR-A-04-0152), received 29 Mar 2022;
7. Phase 2 GIA Use Category Plan (Dwg No. DAY-XX-ZZ-DR-A-04-0154), received 29 Mar 2022;
8. New Build GEA Plans Phase 2 (Dwg No. DAY-XX-ZZ-DR-A-04-0156), received 29 Mar 2022;
9. Crown Court Demolition Plans (Dwg No. DAY-XX-ZZ-DR-ID-04-0132, Rev A), received 10 Jun 2022;
10. Nisi Pirus Demolition Plans (Dwg No. DAY-XX-ZZ-DR-ID-04-0133, Rev A), received 10 Jun 2022;
11. Site Elevations (Street Scenes) Proposed Phase 1 (Dwg No. DAY-XX-XX-DR-A-04-1105, Rev A), received 10 Jun 2022;
12. Site Elevations (Street Scenes) Proposed Phase 2 (Dwg No. DAY-XX-XX-DR-A-04-1106, Rev A), received 10 Jun 2022;
13. Site Elevations (Central Plaza) Proposed Phase 1 (Dwg No. DAY-XX-XX-DR-A-04-1108, Rev A), received 10 Jun 2022;
14. Site Elevations (Central Plaza) Proposed Phase 2 (Dwg No. DAY-XX-XX-DR-A-04-1109, Rev A), received 10 Jun 2022;
15. Woolworths Elevations Proposed Phase 1 (Dwg No. DAY-XX-ZZ-DR-A-04-1102, Rev A), received 10 Jun 2022;
16. Woolworths Elevations Proposed Phase 2 (Dwg No. DAY-XX-ZZ-DR-A-04-1103, Rev A), received 10 Jun 2022;
17. Site Demolition Plan Phase 1 (Dwg no. DAY-XX-XX-DR-A-04-0130), received 29 Mar 2022;
18. Site Demolition Plan Phase 2 (Dwg no. DAY-XX-XX-DR-A-04-0131), received 29 Mar 2022;
19. General Arrangement Plan - Lower Ground Floor Proposed Phase 1 and 2 (Dwg no. DAY-XX-B1-DR-A-04-0111), received 29 Mar 2022;

20. General Arrangement Plan - Ground Floor Proposed Phase 1 and 2 (Dwg no. DAY-XX-00-DR-A-04-0112 Rev A), received 14 Jul 2022;
21. General Arrangement Plan - First Floor Proposed Phase 1 (Dwg no. DAY-XX-01-DR-A-04-0113), received 29 Mar 2022;
22. General Arrangement Plan - First Floor Proposed Phase 2 (Dwg no. DAY-XX-01-DR-A-04-0114), received 29 Mar 2022;
23. General Arrangement Plan - Second Floor Proposed Phase 1 (Dwg no. DAY-XX-02-DR-A-04-0115), received 29 Mar 2022;
24. General Arrangement Plan - Second Floor Proposed Phase 2 (Dwg no. DAY-XX-02-DR-A-04-0116), received 29 Mar 2022;
25. General Arrangement Plan - Third Floor Proposed Phase 1 (Dwg no. DAY-XX-03-DR-A-04-0117), received 29 Mar 2022;
26. General Arrangement Plan - Third Floor Proposed Phase 2 (Dwg no. DAY-XX-03-DR-A-04-0118), received 29 Mar 2022;
27. General Arrangement Plan - Roof Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-0119 Rev A), received 10 Jun 2022;
28. General Arrangement Plan - Roof Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-0120 Rev A), received 10 Jun 2022;
29. General Arrangement Plan - Hospital Wing and Crown Court Building Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-0121 Rev A), received 10 Jun 2022;
30. General Arrangement Plan - Nisi Prius Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-0122 Rev A), received 10 Jun 2022;
31. Section Through Site Axis Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2101 Rev A), received 10 Jun 2022;
32. Section Through Site Axis Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2102 Rev A), received 10 Jun 2022;
33. Sections longitudinal Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2103 Rev A), received 10 Jun 2022;
34. Sections longitudinal Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2104 Rev A), received 10 Jun 2022;
35. Sections Transverse Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2105 Rev A), received 10 Jun 2022;
36. Sections Transverse Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2106 Rev A), received 10 Jun 2022;
37. Section Floor Levels Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2107 Rev A), received 10 Jun 2022;

38. Section Floor Levels Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2108 Rev A), received 10 Jun 2022;
39. 3D Sections A B C Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2117 Rev A), received 10 Jun 2022;
40. 3D Sections D E F Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2118 Rev A), received 10 Jun 2022;
41. 3D Sections G H Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2119 Rev A), received 10 Jun 2022;
42. 3D Sections A B C Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2120 Rev A), received 10 Jun 2022;
43. 3D Sections D E F Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2121 Rev A), received 10 Jun 2022;
44. 3D Sections G H Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2122 Rev A), received 10 Jun 2022;
45. Business Interaction Centre Floor Level Section Plan (Dwg no. DAY-BB-ZZ-DR-A-04-2125), received 10 Jun 2022;
46. Hospital Wing Floor Level Sections Plan (Pt 1) (Dwg no. DAY-BB-ZZ-DR-A-04-2123), received 10 Jun 2022;
47. Hospital Wing Floor Level Sections Plan (Pt 2) (Dwg no. DAY-BB-ZZ-DR-A-04-2124), received 10 Jun 2022;
48. General Arrangement Plan (Dwg no. UG_471_LAN_GA_DRW_001 Rev P16), received 30 Jun 2022;
49. Gaol Wall Opening (Dwg no. DAY-XX-XX-DR-A-04-2113 Rev A), received 10 Jun 2022;
50. Facade Study - New Build Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2111 Rev A), received 10 Jun 2022;
51. Facade Study - New Build Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2112), received 10 Jun 2022;
52. the Notice of Decision; and
53. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The development shall be undertaken in general accordance with the approved documents for this Planning Permission which comprise:
 1. Carlisle Citadels: Archaeological Impact Assessment (undertaken by Oxford

- Archaeology), received 29 Mar 2022;
2. Bat Survey Report (undertaken by Urban Green), received 29 Mar 2022;
 3. Biodiversity Net Gain Design Stage Assessment (undertaken by Urban Green), received 29 Mar 2022;
 4. Condition Survey (undertaken by Purcell), received 29 Mar 2022;
 5. Carlisle Citadels Conservation Management Plan (prepared by Purcell), received 29 Mar 2022;
 6. Demolition Statement (Revision: P01, prepared by Curtins), received 29 Mar 2022;
 7. Energy & Sustainability Statement (Ref: 16110-HYD-XX-XX-RP-Y-5002, prepared by Hydrock Consultants Limited), received 29 Mar 2022;
 8. Written Scheme of Investigation for an Archaeological Evaluation and Watching Brief, received 29 Mar 2022;
 9. Heritage Impact Assessment (Issue 02, undertaken by Purcell), received 29 Mar 2022;
 10. Interim Travel Plan (Revision: V04, prepared by Curtins), received 29 Mar 2022;
 11. Phase 1 Preliminary Risk Assessment (Revision: V02, prepared by Curtins), received 29 Mar 2022;
 12. Preliminary Ecological Appraisal (prepared by Urban Green), received 29 Mar 2022;
 13. Servicing Strategy (Revision: V03, prepared by Curtins), received 29 Mar 2022;
 14. Stage I Visual Structural Condition Appraisal (prepared by Curtins), received 29 Mar 2022;
 15. Townscape & Visual Impact Appraisal (prepared by Urban Green), received 29 Mar 2022;
 16. Transport Assessment (Revision: V03, prepared by Curtins), received 29 Mar 2022;
 17. Urban Design Framework Statement (prepared by Urban Green), received 29 Mar 2022;
 18. Geophysical Survey Report (prepared by SUMO Geophysics Ltd), received 1 Apr 2022;
 19. Arboricultural Impact Assessment (AIA) (undertaken by Urban Green), received 10 Jun 2022;
 20. Historic Buildings Design and Usage Review (Revision G, prepared by

Purcell and Day Architectural Ltd), received 10 Jun 2022;

Reason: To define the permission.

4. Notwithstanding any description of materials in the application, prior to the commencement of the outer façade of each Phase of the development (Phase 1 and 2), excluding demolition, samples or full details of materials to be used externally on the building within the relevant phase, have been submitted to and approved by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

Reason: To ensure that materials to be used are acceptable and in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. Prior to the installation of any vents and drainage apparatus, samples and details of any roof vents, ventilation grilles, flues and soil pipes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings, in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

6. Prior to any stonework being modified and/or rebbed and repointed, including a section of Gaol Wall at Bush Brow, a sample area of stonework measuring not less than 1m x1m shall be erected on site for inspection by the Local Planning Authority, with the stone type and source, bonding pattern, mortar specification, and joint detail and general appearance to be agreed in writing. An area of ashlar repointing to a discrete area of the retained buildings shall be completed for inspection by the Local Planning Authority to be agreed in writing as above. If there are any repairs to stone, brickwork and roofs, a method statement and specification of the repairs and to include samples and details of fixings and mortar mix shall be made available to the Local Planning Authority for their inspection and approval prior to any repairs being undertaken. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings, in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

7. Notwithstanding any information as submitted, prior to the insertion of any new/replacement windows (on any listed buildings and Woolworth and Burton's Buildings), details at a scale of 1:5 of any new windows, including the construction, means of affixing to the walls, the size, glazing, opening

mechanisms, cill and lintol arrangement and the depth of the reveal shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings, in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

8. Within 6 months of the decision or prior to the commencement on site (excluding demolition)(whichever is sooner), a statement to explain how the WW2 'Emergency Water Supply' (circa 1m high) on the brick return of the Burton's Building at Bush Brow is to be protected and retained, and incorporated into the scheme, is to be submitted to the LPA for written agreement.

Reason: In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings, in accordance with the objectives of Carlisle District Local Plan Policies HE6 and HE7.

9. Notwithstanding the information as submitted, prior to the occupation of the development hereby approved, full details of the proposed soft landscaping, including a phased programme of works, shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved following the completion of the development or in accordance with a programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure a satisfactory landscaping scheme is implemented to fulfil the requirements of policies SP6, GI1 and GI6 of the Carlisle District Local Plan 2015-2030.

10. Notwithstanding the information as submitted, prior to the occupation of the development hereby approved, full details of the proposed hard landscaping, including details of the former City Wall interpretative feature, samples of surfacing materials and a phased programme of works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: To ensure a satisfactory landscaping scheme is implemented to fulfil the requirements of Policies SP6, HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

11. Details of the paint colour and finish, including manufacturer's specification to be used on the internal (listed buildings only) and external areas of the existing buildings shall be submitted to and approved in writing by the Local Planning Authority prior to any painting work commencing. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings, in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

12. Prior to the commencement of any works (excluding demolition and foundation works), full details of all proposed gating, including pedestrian gates, within the application site shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include detailed design and size of the gates.

Reason: In the interest of the appearance and character of the listed buildings and conservation area, in accordance with Policies HE3 and HE7 of the Carlisle District Local Plan 2015-2030.

13. Prior to installation of any external lighting, details of the proposed external lighting (inclusive of the design, locations and luminance levels) shall be submitted to the local planning authority for approval in writing. The development shall only be carried out in accordance with the approved details.

Reason: To safeguard the living conditions of the neighbouring residents and to ensure the objectives of Policies CM5 and SP6 of the Carlisle District Local Plan 2015-2030 are met.

14. Prior to the removal of any Court Room furniture in Nisi Prius and the Crown Court Buildings, a programme of works for the court room furniture relocation, and photographs and drawings as existing, and as proposed, shall be submitted to and approved in writing by the Local Planning Authority. The programme of works shall identify how and by whom supervision of the works shall be undertaken and shall include details regarding the exact proposed locations (within the application site) and uses for the removed court room furniture. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance and character of the listed buildings, and in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

15. Notwithstanding the details that have been submitted with the application, full details including drawings and manufacturers details where appropriate of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority prior to any works to the boundaries. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings, in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

16. Prior to the removal of the window at the Former Labour Group Room at the Crown Court Building (as shown on Carlisle Citadels Conservation Management Plan, prepared by Purcell, received 29 Mar 2022), details of the proposed roof terrace access shall be submitted to and approved by the local planning authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance and character of the listed buildings, in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

17. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a number of written scheme of investigations which have been submitted by the applicant and approved in writing by the Local Planning Authority.

These written schemes of investigation will include the following components:

- i) An archaeological evaluation - in accordance with the submitted 'Written Scheme of Investigation for an Archaeological Evaluation and Watching Brief' dated April 2022;
- ii) An archaeological recording programme the scope of which will be dependent upon the results of the evaluation.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains.

18. Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the Local Planning Authority: an archaeological post-excavation assessment and analysis, the preparation of a site archive ready for deposition at a store, the completion of an archive report, and the preparation and submission of a report of the results for publication in a suitable specialist journal.

Reason: To ensure that a permanent and publicly-accessible record is made of the archaeological remains that have been disturbed by the development.

19. Prior to the carrying out of any construction work the following buildings and structures affected by the proposed development shall be recorded in accordance with the undermentioned Levels of Survey, as described by Historic

England's document Understanding Historic Buildings A Guide to Good Recording Practice, 2016:

The Crown Court - Level 3 Survey;
Nisi Prius Court - Level 3 Survey;
the Hospital Wing - Level 2 Survey;
the Gaol Wall – Level 1 Survey; and
the Woolworth Buildings - Level 1 Survey.

Within 2 months of the commencement of construction works a digital copy of the resultant survey report shall be furnished to the Local Planning Authority.

Reason: To ensure that a permanent record is made of the buildings and structures of architectural and historical interest prior to their alteration as part of the proposed development.

20. Work to the carriageway, footways, footpaths, cycleways etc ,as indicatively shown on the drawings submitted with this application, shall be designed, constructed, drained and lit to a suitable standard and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before any of the above highways related works commence on site. None of the above highways related works shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is occupied.

Reason: To ensure a minimum standard of construction in the interests of highway safety, and to support Local Transport Plan Policies: LD5, LD7, LD8.

21. No development works pursuant to the development hereby approved (including demolition) shall take place outside the hours of 7.30am to 6pm on weekdays and 7.30am to 4pm on Saturdays with no works on any Sundays or statutory holidays. Quieter activities which are carried out inside buildings such as electrical works, plumbing and plastering may take place outside of agreed working times so long as they do not result in significant disturbance to neighbouring occupiers.

Reason: To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

22. Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) shall be submitted to the Local Planning Authority for approval prior to development being commenced (excluding demolition). Any approved works shall be implemented prior to the development being completed and shall be maintained thereafter in accordance with the schedule.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface

water system continues to function as designed and that flood risk is not increased within the site or elsewhere.

23. Prior to the commencement of each phase of the development (Demolition, phase 1 and phase 2), a Demolition and Construction Environment Management Plan (DCEMP) for the relevant phase shall be submitted to and approved in writing by the local planning authority. The DCEMP shall include details of:

1. pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
2. details of proposed crossings of the highway verge;
3. retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
4. cleaning of site entrances and the adjacent public highway;
5. details of proposed wheel washing facilities;
6. the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
7. provision and use of water suppression equipment;
8. covering of 'dusty' materials;
9. construction vehicle routing;
10. the management of junctions to and crossings of the public highway and other public rights of way/footway;
11. Details of any proposed temporary access points (vehicular / pedestrian)
12. surface water management details during the construction phase; and
13. implementation of noise mitigation measures i.e. use of noise attenuation barriers, storage/unloading of aggregates away from sensitive receptors, use of white noise reversing alarms where possible.

Reason: To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety. To support Local Transport Plan Policies: WS3, LD4 and to protect the living conditions of the occupiers of the adjacent residential properties in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

24. Prior to the commencement of Phase 1 development (excluding demolition), details of cycle storage provisions shall be submitted to and approved in writing with the Local Planning Authority.

Reason: In accordance with Policies SP1 and IP3 of the Carlisle District Local Plan 2015-2030.

25. Within 6 months of first occupation of the site, a final Travel Plan which includes clear objectives and modal split targets, together with a time-bound programme of implementation, monitoring, regular review and update; and be based on the

particulars contained within the development hereby approved, shall be submitted to and approved in writing by the local planning authority and thereafter operated in accordance with the agreed details.

Reason: In accordance with Policies SP1 and IP2 of the Carlisle District Local Plan 2015-2030.

26. Prior to the occupation of the site hereby approved, details and location of the carpark spaces equipped with active and passive EV charging points shall be submitted to and approved in writing by the local planning authority. The details shall include:

1. Location of active and passive charge points;
2. Specification of charging equipment;
3. Operation/management strategy, including details regarding the process to active passive charging points;

The development shall be completed in accordance with the approved details and retained in perpetuity.

Reason: In accordance with Policies SP1 and IP2 of the Carlisle District Local Plan 2015-2030.

27. Prior to the occupation of phase 1 of the development, an Operational Management Plan shall be submitted to and approved in writing by the LPA. The Operational Management Plan shall, as a minimum, cover the following points:

1. The location of all ground/lower ground external access points and how they will be managed
2. How all external access points will be controlled during the day and out of hours i.e. fob/key card
3. The times that the external access gates will be closed to the public
4. The location of CCTV
5. Noise management for any external event at the Forum

Reason: In accordance with Policies CM4 and HE3 of the Carlisle District Local Plan 2015-2030.

28. Prior to the commencement of each phase (1 and 2) of the development (excluding demolition), an updated Sustainability and Energy Statement for the relevant phase, shall be submitted to and approved in writing by the LPA. The updated Sustainability and Energy Statement shall include a detailed scheme to demonstrate compliance with CDLP Policy CC3 and shall, as a minimum, include:

1. The sustainability credentials of the external build materials
2. The specification and location of renewable energy such as air source heat pump technology and the roof mounted Photovoltaic Cells

Reason: In accordance with Policies SP1, SP6 and CC3 of the Carlisle District Local Plan 2015-2030.

29. For the duration of the development works, the retained trees as shown within the submitted Arboricultural Impact Assessment (undertaken by Urban Green, received 10 Jun 2022) shall be protected by tree protective fencing erected and maintained outwith all root protection areas. The specification for the tree protective fencing must conform to BS5837:2012 Trees in relation to Construction - recommendations, and within all root protection areas, there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect existing trees on site during development works and in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

30. The development hereby approved shall not be carried out otherwise than in complete accordance with the Mitigation Measures contained within the submitted Bat Survey Report (2021) compiled by Urban Green, received 29 Mar 2022.

Compensatory roost provisions shall be implemented before any demolition works take place to provide compensatory habitat for the loss of the roosts. These compensatory roost provisions must be maintained within the site for a minimum of five years.

Reason: In order to ensure no adverse impact on a European Protected Species in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

31. Prior to the commencement of each phase of the development (Demolition, Phase 1 and Phase 2), a detailed Landscape and Ecological Management Plan for the relevant phase shall be submitted to and approved by the local planning authority. Each detailed Landscape and Ecological Management Plan shall include mitigation, compensation and enhancement measures, and the Management Plan shall be in accordance with the principles set out within the submitted Biodiversity Net Gain Assessment (carried out by Urban Green, received on 29 Mar 2022). The development shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

32. Prior to the commencement of each Phase of the development (Phase 1 and Phase 2) (excluding demolition), details of measures, to prevent birds from nesting/roosting on the roofs or facades of the buildings, for the relevant phase shall be submitted to and approved in writing with the Local Planning Authority.

Reason: In the interests and amenities of users of the building, nearby residential and business premises in accordance with Policy SP6 of the Carlisle District Local Plan 2015-30.

33. Within 6 months of the development hereby approved being brought into first use, an updated Servicing Strategy including details of the provision of external litter bins; their specifications and planned emptying frequencies, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be operated in accordance with the approved details.

Reason: To ensure that adequate means of litter management is provided in accordance with policy IP5 and SP6 of the Carlisle District Local Plan 2015-2030.

34. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A site investigation scheme, based on the desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework and Policy CM5 of the Carlisle District Local Plan 2015-2030.

35. In the advent that Phase 2 of the development has not commenced by the opening of Phase 1 the applicant shall enter into discussions with the local planning authority to provide an implementation programme for Phase 2 in accordance with Condition 28 or, in the case of uncertainty of timescale, full installation of Phase 2 photovoltaics on the constructed Phase 1. The scheme shall be submitted within 12 months of opening and shall be implemented in accordance with the submitted details.

Reason: In accordance with Policies SP1, SP6 and CC3 of the Carlisle District Local Plan 2015-2030.

Relevant Development Plan Policies

Item no: 02

Appn Ref No:
22/0262

Applicant:
University of Cumbria

Parish:
Carlisle

Date of Receipt:
29/03/2022

Agent:
DPP

Ward:
Cathedral & Castle

Location:
Citadel Buildings, English Street, Carlisle

Grid Reference:
340171 555644

Proposal: Alterations To Existing Citadels Buildings (Which Comprise The Crown Court, Nisi Prius & Hospital Wing); Insertion Of Opening To The Gaol Wall; Demolition Of 106-114 English Street, The Kramer Building & The Toilet Block To The Crown Court; Reinstatement Of Railings To Citadel Gardens; Comprehensive Refurbishment Of Former Crown Court, Nisi Prius & Hospital Wing To Provide Higher Education (Office & Teaching Spaces) Including Replacement Of Mechanical & Electrical Services, Installation Of WC's, Accessibility Enhancements & Removal Of Modern Detrimental Additions & Partitions; Hospital Wing Alterations Include: Removal Of Various Modern Subdivisions Across The Hospital Wing; Reopening Of Former Openings In The Hospital Wing External Elevations & New Bridges & Openings At First Floor Of The Hospital Wing (LBC)

Grant Permission

1. The works identified within the approved application shall be commenced within 3 years of this consent.

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. The development shall be undertaken in strict accordance with the approved documents for this Listed Building Consent which comprise:
 1. the submitted planning application form, received 29 Mar 2022;
 2. Location Plan (Dwg No. DAY-XX-XX-DR-A-04-0100), received 29 Mar 2022;
 3. Proposed Site Plan (Dwg No. DAY-XX-XX-DR-A-04-0110), received 29 Mar 2022;
 4. Proposed Block Plan (Dwg No. DAY-XX-XX-DR-A-04-0124), received 29 Mar

2022;

5. Section and elevation Key (Dwg No. DAY-XX-XX-DR-A-04-0125), received 29 Mar 2022;
6. Demolition GIA Use Category Plans (Dwg No. DAY-XX-ZZ-DR-A-04-0152), received 29 Mar 2022;
7. Phase 2 GIA Use Category Plan (Dwg No. DAY-XX-ZZ-DR-A-04-0154), received 29 Mar 2022;
8. New Build GEA Plans Phase 2 (Dwg No. DAY-XX-ZZ-DR-A-04-0156), received 29 Mar 2022;
9. Crown Court Demolition Plans (Dwg No. DAY-XX-ZZ-DR-ID-04-0132, Rev A), received 10 Jun 2022;
10. Nisi Pirus Demolition Plans (Dwg No. DAY-XX-ZZ-DR-ID-04-0133, Rev A), received 10 Jun 2022;
11. Site Elevations (Street Scenes) Proposed Phase 1 (Dwg No. DAY-XX-XX-DR-A-04-1105, Rev A), received 10 Jun 2022;
12. Site Elevations (Street Scenes) Proposed Phase 2 (Dwg No. DAY-XX-XX-DR-A-04-1106, Rev A), received 10 Jun 2022;
13. Site Elevations (Central Plaza) Proposed Phase 1 (Dwg No. DAY-XX-XX-DR-A-04-1108, Rev A), received 10 Jun 2022;
14. Site Elevations (Central Plaza) Proposed Phase 2 (Dwg No. DAY-XX-XX-DR-A-04-1109, Rev A), received 10 Jun 2022;
15. Woolworths Elevations Proposed Phase 1 (Dwg No. DAY-XX-ZZ-DR-A-04-1102, Rev A), received 10 Jun 2022;
16. Woolworths Elevations Proposed Phase 2 (Dwg No. DAY-XX-ZZ-DR-A-04-1103, Rev A), received 10 Jun 2022;
17. Site Demolition Plan Phase 1 (Dwg no. DAY-XX-XX-DR-A-04-0130), received 29 Mar 2022;
18. Site Demolition Plan Phase 2 (Dwg no. DAY-XX-XX-DR-A-04-0131), received 29 Mar 2022;
19. General Arrangement Plan - Lower Ground Floor Proposed Phase 1 and 2 (Dwg no. DAY-XX-B1-DR-A-04-0111), received 29 Mar 2022;
20. General Arrangement Plan - Ground Floor Proposed Phase 1 and 2 (Dwg no. DAY-XX-00-DR-A-04-0112 Rev A), received 14 Jul 2022;
21. General Arrangement Plan - First Floor Proposed Phase 1 (Dwg no. DAY-XX-01-DR-A-04-0113), received 29 Mar 2022;
22. General Arrangement Plan - First Floor Proposed Phase 2 (Dwg no.

- DAY-XX-01-DR-A-04-0114), received 29 Mar 2022;
23. General Arrangement Plan - Second Floor Proposed Phase 1 (Dwg no. DAY-XX-02-DR-A-04-0115), received 29 Mar 2022;
 24. General Arrangement Plan - Second Floor Proposed Phase 2 (Dwg no. DAY-XX-02-DR-A-04-0116), received 29 Mar 2022;
 25. General Arrangement Plan - Third Floor Proposed Phase 1 (Dwg no. DAY-XX-03-DR-A-04-0117), received 29 Mar 2022;
 26. General Arrangement Plan - Third Floor Proposed Phase 2 (Dwg no. DAY-XX-03-DR-A-04-0118), received 29 Mar 2022;
 27. General Arrangement Plan - Roof Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-0119 Rev A), received 10 Jun 2022;
 28. General Arrangement Plan - Roof Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-0120 Rev A), received 10 Jun 2022;
 29. General Arrangement Plan - Hospital Wing and Crown Court Building Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-0121 Rev A), received 10 Jun 2022;
 30. General Arrangement Plan - Nisi Prius Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-0122 Rev A), received 10 Jun 2022;
 31. Section Through Site Axis Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2101 Rev A), received 10 Jun 2022;
 32. Section Through Site Axis Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2102 Rev A), received 10 Jun 2022;
 33. Sections longitudinal Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2103 Rev A), received 10 Jun 2022;
 34. Sections longitudinal Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2104 Rev A), received 10 Jun 2022;
 35. Sections Transverse Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2105 Rev A), received 10 Jun 2022;
 36. Sections Transverse Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2106 Rev A), received 10 Jun 2022;
 37. Section Floor Levels Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2107 Rev A), received 10 Jun 2022;
 38. Section Floor Levels Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2108 Rev A), received 10 Jun 2022;
 39. 3D Sections A B C Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2117 Rev A), received 10 Jun 2022;
 40. 3D Sections D E F Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2118 Rev A),

- received 10 Jun 2022;
41. 3D Sections G H Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2119 Rev A), received 10 Jun 2022;
 42. 3D Sections A B C Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2120 Rev A), received 10 Jun 2022;
 43. 3D Sections D E F Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2121 Rev A), received 10 Jun 2022;
 44. 3D Sections G H Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2122 Rev A), received 10 Jun 2022;
 45. Business Interaction Centre Floor Level Section Plan (Dwg no. DAY-BB-ZZ-DR-A-04-2125), received 10 Jun 2022;
 46. Hospital Wing Floor Level Sections Plan (Pt 1) (Dwg no. DAY-BB-ZZ-DR-A-04-2123), received 10 Jun 2022;
 47. Hospital Wing Floor Level Sections Plan (Pt 2) (Dwg no. DAY-BB-ZZ-DR-A-04-2124), received 10 Jun 2022;
 48. General Arrangement Plan (Dwg no. UG_471_LAN_GA_DRW_001 Rev P16), received 30 Jun 2022;
 49. Gaol Wall Opening (Dwg no. DAY-XX-XX-DR-A-04-2113 Rev A), received 10 Jun 2022;
 50. Facade Study - New Build Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2111 Rev A), received 10 Jun 2022;
 51. Facade Study - New Build Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2112), received 10 Jun 2022;
 52. the Notice of Decision; and
 53. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The development shall be undertaken in general accordance with the approved documents for this Listed Building Consent which comprise:
 1. Carlisle Citadels: Archaeological Impact Assessment (undertaken by Oxford Archaeology), received 29 Mar 2022;
 2. Bat Survey Report (undertaken by Urban Green), received 29 Mar 2022;
 3. Biodiversity Net Gain Design Stage Assessment (undertaken by Urban Green), received 29 Mar 2022;
 4. Condition Survey (undertaken by Purcell), received 29 Mar 2022;

5. Carlisle Citadels Conservation Management Plan (prepared by Purcell), received 29 Mar 2022;
6. Demolition Statement (Revision: P01, prepared by Curtins), received 29 Mar 2022;
7. Energy & Sustainability Statement (Ref: 16110-HYD-XX-XX-RP-Y-5002, prepared by Hydrock Consultants Limited), received 29 Mar 2022;
8. Written Scheme of Investigation for an Archaeological Evaluation and Watching Brief, received 29 Mar 2022;
9. Heritage Impact Assessment (Issue 02, undertaken by Purcell), received 29 Mar 2022;
10. Interim Travel Plan (Revision: V04, prepared by Curtins), received 29 Mar 2022;
11. Phase 1 Preliminary Risk Assessment (Revision: V02, prepared by Curtins), received 29 Mar 2022;
12. Preliminary Ecological Appraisal (prepared by Urban Green), received 29 Mar 2022;
13. Servicing Strategy (Revision: V03, prepared by Curtins), received 29 Mar 2022;
14. Stage I Visual Structural Condition Appraisal (prepared by Curtins), received 29 Mar 2022;
15. Townscape & Visual Impact Appraisal (prepared by Urban Green), received 29 Mar 2022;
16. Transport Assessment (Revision: V03, prepared by Curtins), received 29 Mar 2022;
17. Urban Design Framework Statement (prepared by Urban Green), received 29 Mar 2022;
18. Geophysical Survey Report (prepared by SUMO Geophysics Ltd), received 1 Apr 2022;
19. Arboricultural Impact Assessment (AIA) (undertaken by Urban Green), received 10 Jun 2022;
20. Historic Buildings Design and Usage Review (Revision G, prepared by Purcell and Day Architectural Ltd), received 10 Jun 2022;

Reason: To define the permission.

3. Details and drawings including sections and elevations and a method statement for the restoration and repair of any existing windows and doors, panelling and other period joinery shall be submitted to and approved in writing by the Local Planning Authority prior to any works to these features. Thereafter the

development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance and character of the listed buildings, and in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

4. All existing historic doors within the listed buildings shall be retained and if required to be altered in any way, details shall be submitted to and approved in writing by the local planning authority prior to any works to the doors. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance and character of the listed buildings, and in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

5. Prior to the insertion of any new doors, details at a scale of 1:5 of new doors including construction, means of affixing to the wall, the size, proposed frames, panels and depth of reveal and new internal doors (listed buildings only) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance and character of the listed buildings, and in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

6. Notwithstanding any information as submitted, prior to the insertion of any new/replacement windows on any listed buildings, details at a scale of 1:5 of any new windows, including the construction, means of affixing to the walls, the size, glazing, opening mechanisms, cill and lintol arrangement and the depth of the reveal shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings. In accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

7. Full details of sound proofing and fire protection measures shall be submitted to and approved in writing by the Local Planning Authority prior to any of these measures being undertaken. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance and character of the listed

buildings, and in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

8. Prior to the commencement of the development hereby approved, a Conservation Strategy shall be submitted to and approved in writing by the Local Planning Authority detailing the protection of all historic features, including staircases, windows and glazing, fireplaces, panelling, plaster ceilings, cornicing and any other internal architectural features, during the works to the buildings. Thereafter all works to historic features shall follow this strategy.

Reason: In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth Buildings, and in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

9. Prior to the installation of any platform lifts, details of the location, materiality and means of fixing to the listed structures shall be submitted to and approved by the local planning authority.

Reason: In the interest of the appearance and character of the listed buildings. In accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

10. Prior to the removal of the window at the Former Labour Group Room at the Crown Court Building (as shown on Carlisle Citadels Conservation Management Plan, prepared by Purcell, received 29 Mar 2022), details of the proposed roof terrace access shall be submitted to and approved by the local planning authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance and character of the listed buildings, in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

11. Prior to the removal of any Court Room furniture in Nisi Prius and the Crown Court Buildings, a programme of works for the court room furniture relocation, and photographs and drawings as existing, and as proposed, shall be submitted to and approved in writing by the Local Planning Authority. The programme of works shall identify how and by whom supervision of the works shall be undertaken and shall include details regarding the exact proposed locations (within the application site) and uses for the removed court room furniture. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance and character of the listed buildings, and in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

12. Details of the paint colour and finish, including manufacturer's specification to be used on the internal (listed buildings only) and external areas of the existing

buildings shall be submitted to and approved in writing by the Local Planning Authority prior to any painting work commencing. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings, and in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

13. Prior to the commencement of any works (excluding demolition and foundation works), full details of all proposed gating, including pedestrian gates, within the application site shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include detailed design and size of the gates.

Reason: In the interest of the appearance and character of the listed buildings and the conservation area, in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

14. Notwithstanding the details that have been submitted with the application, full details including drawings and manufacturers details where appropriate of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority prior to any works to the boundaries. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings, in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

15. Prior to the occupation of phase 1 of the development, an Operational Management Plan shall be submitted to and approved in writing by the LPA. The Operational Management Plan shall, as a minimum, cover the following points:

1. The location of all ground/lower ground external access points and how they will be managed
2. How all external access points will be controlled during the day and out of hours i.e. fob/key card
3. The times that the external access gates will be closed to the public
4. The location of CCTV
5. Noise management for any external event at the Forum

Reason: In accordance with Policies CM4 and HE3 of the Carlisle District Local Plan 2015-2030.

16. Prior to the commencement of any works in relation to either raising or lowering of floor levels within the court rooms of the Crown Court and Nisi Prius Buildings, detailed drawings including sections shall be submitted and approved

by the local planning authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance and character of the listed buildings, and in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

Relevant Development Plan Policies

Item no: 03

Appn Ref No: 22/0219	Applicant: Kingmoor Park Properties Ltd	Parish: Kingmoor
Date of Receipt: 21/03/2022	Agent: WSP	Ward: Belah & Kingmoor
Location: Land at Dukes Drive, Kingmoor Park North, Carlisle, CA6 4SD	Grid Reference: 338131 560087	

Proposal: Erection Of Distribution Centre (Use Class B8) (Including Ancillary Office Space), Associated Car Parking & Service Yard; Associated Storage Of Vehicles & Trailers; New Access Road; & Associated Engineering, Infrastructure & Landscaping

Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the Planning Application Form received 18th March 2022
 2. the Site Location Plan received 18th March 2022 (Drawing no. 0001 P5);
 3. the Site Plan As Proposed received 19th May 2022 (Drawing no. 0001 P13);
 4. the DPD Trailer Park, Site Plan As Proposed received 18th March 2022 (Drawing no. 0002 Rev P3);
 5. the Elevations As Proposed received 30th May 2022 (Drawing no. 21044-FRA-0001 rev P6);
 6. the GA Plan As Proposed – Level 00 received 18th March 2022 (Drawing no. 0001 Rev P4);

7. the GA Plan As Proposed – Level 01 received 18th March 2022 (Drawing no. 0002 Rev P3);
8. the Proposed Site Sections received 30th May 2022 (Drawing no. 0001 Rev P3);
9. the Proposed GA Sections received 30th May 2022 (Drawing no. 0001 P2);
10. the Proposed Waste Compound Details received 18th March 2022 (Drawing no. 0001 P1);
11. the Proposed Cycle Shelters Details received 18th March 2022 (Drawing no. 0002 Rev P1);
12. the GA Plan As Proposed - Level 00 received 18th March 2022 (Drawing no. 0001 P4);
13. the GA Plan As Proposed – Level 01 received 18th March 2022 (Drawing no. 0002 P3);
14. the Plot 100/ DPD Planting Strategy Plan received 18th March 2022 (Drawing no. 0002 P01);
15. the Plot 100/ DPD Planting Schedule received 18th March 2022 (Drawing no. 0003 P01);
16. the Arboricultural Impact Assessment Report received 18th March 2022;
17. the Archaeological Desk-Based Assessment received 18th March 2022;
18. the Design & Access Statement received 18th March 2022;
19. the Desktop Environmental and Geotechnical Site Assessment received 18th March 2022;
20. the Renewable Energy Statement received 18th March 2022;
21. the Flood Risk Assessment received 18th March 2022;
22. the External Lighting Impact Assessment received 18th March 2022;
23. the Noise Impact Assessment received 18th March 2022;
24. the Planning Statement received 18th March 2022;
25. the Statement of Community Involvement received 18th March 2022;
26. the Transport Assessment received 18th March 2022;
27. the Travel Plan received 18th March 2022;
28. the Air Quality Assessment received 25th March 2022;
29. the Plant Schedule received 18th March 2022;
30. the Protected Species Report received 21st July 2022;
31. the Great Crested Newt Survey received 21st July 2022;
32. the Bat Surveys received 21st July 2022;
33. the Notice of Decision;
34. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

3. Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) shall be submitted to the Local Planning Authority for written approval prior to the development being commenced (except site clearance and ground works). Any approved works shall be implemented prior to the development being occupied and shall be maintained thereafter in accordance with the schedule.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere in accordance with Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030.

4. Prior to the commencement of development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include and address the following matters (where appropriate):

1. provision of appropriate protective barriers/ boundary hoarding and lighting;
2. dust management and details of the proposed means of dust suppression;
3. details of deliveries times to the site during the construction phase;
4. the construction hours of working;
5. noise management measures;
6. programme of works (including measures for traffic management and operating hours);
7. loading and unloading of plant and materials;
8. piling techniques;
9. location and nature of compounds and storage areas (including maximum storage heights) and factors to prevent wind-whipping
10. waste storage and removal and litter management;
11. temporary buildings and boundary treatments;
12. details of checks of vehicles and other plant for leaks;
13. static plant to be placed on drip trays;
14. preparation of cement and other construction materials;
15. waste minimisation and management measures;
16. bio-security measures to prevent the introduction of disease and invasive species;
17. measures to prevent pollution including the management of site drainage such as the use of silt traps during construction;
18. the checking and testing of imported fill material where required to ensure suitability for use and prevent the spread of invasive species;
19. noise and vibration management (to include arrangements for monitoring, and specifically for any concrete breaking and any piling);
20. there shall be no burning of materials on the site; and
21. any external lighting associated with the development during any ground works/ construction for the purposes of security and site safety shall prevent upward and outward light radiation;
22. protocols for contact and consultation with local people and other matters to be agreed with the local planning authority;
23. wheel washing;
24. vibration management;
25. vermin control;
26. vehicle control within the site and localised traffic management.

The agreed scheme shall be implemented upon commencement of development and shall not be varied without prior written agreement of the local

planning authority.

Reason: To avoid hazard and obstruction being caused to users of the public highway and in the interest of public safety in accordance with Policies SP6, IP3 and CM5 of the Carlisle District Local Plan 2015-2030.

5. Development shall not commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority.

The CTMP shall include and address the following matters (where appropriate):

1. retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
2. cleaning of site entrances and the adjacent public highway;
3. details of measures to prevent mud from vehicles leaving the site during construction including wheel washing facilities and their management;
4. the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
5. construction vehicle routing;
6. the management of junctions to and crossings of the public highway and other public rights of way/ footway;
7. details of any proposed temporary access points (vehicular/ pedestrian);
8. details of provision to ensure pedestrian and cycle safety;
9. parking and turning for vehicles of site personnel, operatives and visitors.

The agreed scheme shall be implemented upon commencement of development and shall not be varied without prior written agreement of the local planning authority.

Reason: To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

6. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/ cross sections, shall be submitted to the Local Planning Authority for approval before any highway work commences on site. No highway works shall be commenced until a full specification has been approved in writing. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved including the carriageway, footways, footpaths and cycleways shall be constructed in strict accordance with the approved details and completed prior to the development being brought into use.

Reason: To ensure a minimum standard of construction in the interests of highway safety in accordance with Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

7. The roadside ditch shall be piped at the access prior to the development being brought into use, in accordance with details which have first been submitted for approval by the Local Planning Authority. The construction shall be in accordance with a specification which has been approved by the Local Planning Authority.

Reason: In the interests of safety and in accordance with Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

8. Prior to the heavy good vehicle trailer parking area being brought into use, details of a Noise Mitigation Strategy shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken and completed in strict accordance with the approved details and retained as approved thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the amenity of existing and future occupiers of neighbouring premises and residential properties are not adversely affected by the development in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

9. Prior to the installation of any external lighting within the development hereby approved, details of the lighting scheme including measures to minimise light spillage, shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken and completed in strict accordance with the approved details and retained as approved thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure no adverse impact on European Protected Species and residential amenity in accordance with Policies GI3 and CM5 of the Carlisle District Local Plan 2015-2030.

10. Prior to the development being brought into use, bat boxes shall be installed in accordance with details which have been submitted to and approved in writing by the local planning.

Reason: In order to ensure no adverse impact on European Protected Species in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

11. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2012 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires shall be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

Reason: In order to ensure that adequate protection is afforded to all

trees/hedges to be retained on site in support of Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

12. The development hereby approved shall not be carried out otherwise than in complete accordance with the mitigation measures and recommendations in the Protected Species Report received 21st July 2022; the Great Crested Newt Survey received 21st July 2022; and the Bat Surveys received 21st July 2022.

Reason: In order to ensure no adverse impact on European Protected Species in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

13. The new access road as detailed on Site Plan As Proposed received 19th May 2022 (Drawing No. 0001 P13) shall be constructed and brought into use prior to the use hereby permitted commencing.

Reason: To ensure that the proposed new access road is constructed within a reasonable timescale, in the interests of highway safety and in accordance with Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out within a timeframe that has first been submitted to and approved in writing by the local planning authority and maintained thereafter in accordance with maintenance measures identified in the approved landscaping scheme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented and maintained, in the interests of public and environmental amenity, in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

15. Prior to the building being brought into use, the application should enter into and have completed a S106 to secure a financial contribution for the monitoring of the Travel Plan.

Reason: To secure appropriate funding for the monitoring of the Travel Plan in accordance with Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

Relevant Development Plan Policies

Item no: 04

Appn Ref No:

Applicant:

Parish:

22/0214 Equorium Property Hayton
Company Limited

Date of Receipt: **Agent:** **Ward:**
16/03/2022 Harraby Green Associates Brampton & Fellside

Location: **Grid Reference:**
The Forge, Skellion Farm, How Mill, Brampton, CA8 352407 557162
9JL

Proposal: Variation Of Condition 15 & Removal Of Condition 16 Of Previously
Approved Permission 14/0003 (Erection Of 1 No. Holiday Letting Unit On
Site Of Redundant Agricultural Building) To Enable Mixed Residential And
Holiday Let Use Of The Forge/Barn 'B'

Refuse Permission

1. **Reason:** This proposal is seeking to remove conditions to allow a new build holiday let (which replaced an open fronted metal shed which was not capable of conversion to a dwelling) to be used as a dwelling. Para 80 of the NPPF and Policy HO6 (Other Housing in the Open Countryside) of the Carlisle District Local Plan 2015-2030 permit the conversion of redundant or disused buildings to dwellings providing that the development would lead to an enhancement to the immediate setting of the building. The building is currently used as holiday accommodation and the change of use of the building to a dwelling would not lead to any enhancement of the building, given that it is a relatively recent new build. Policy HO2 (Windfall Housing Development) of the Carlisle District Local Plan 2015-2030 only permits new housing within or on the edge of Carlisle, Brampton, Longtown and villages within the rural area. Given that the site is located within a farm complex that lies within the open countryside and is not within or adjacent to a village/settlement, the proposal to remove conditions to allow the property to be used a dwelling would also be contrary to Policy HO2.

Relevant Development Plan Policies

Item no: 05

Appn Ref No: **Applicant:** **Parish:**
22/0364 Etman Enterprises Ltd Dalston

Date of Receipt: **Agent:** **Ward:**
03/05/2022 Lambe Planning and Dalston & Burgh
Design Ltd

Location: **Grid Reference:**

Dalston Hall Caravan Park, Dalston, Carlisle, CA5
7JX

337701 551733

Proposal: Change Of Use Of Land For 38no. Holiday Lodges To Be Used For A 12
Month Season

Members resolved to give authority to the Corporate Director (Economic
Development) to issue approval for the proposal subject to resolving the issue of
phosphate loading on the River Eden SAC to ensure a phosphate nutrient neutral
development.

Item no: 06

Appn Ref No:
22/0372

Applicant:
Mr Lee Robinson

Parish:
Beaumont

Date of Receipt:
05/05/2022

Agent:
Harraby Green Associates

Ward:
Dalston & Burgh

Location:
Former Beaumont Waste Disposal Site, L/Adj. Field
6065, Monkhill, CA5 6DH

Grid Reference:
334636 558733

Proposal: Change Of Use Of Land For The Keeping Of Horses, Erection Of Stables,
Paddock & Levelled Yard Via Field Access Track (Retrospective)

Members resolved to defer consideration of the proposal in order to undertake a site
visit and to await a further report on the application at a future meeting of the
Committee.

Item no: 07

Appn Ref No:
22/0489

Applicant:
Mr & Mrs Greig

Parish:
Beaumont

Date of Receipt:
20/06/2022

Agent:

Ward:
Dalston & Burgh

Location:
Sunnyside, Moorhouse Road, Moorhouse, Carlisle,
CA5 6EJ

Grid Reference:
335115 556949

Proposal: Erection Of Single Storey Side Extension To Provide Extended Utility And
Home Office

Grant Permission

1. The development shall be begun not later than the expiration of 3 years
beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
1. the submitted planning application form, received 20th June 2022;
 2. Location Plan, received 21st June 2022;
 3. Proposed Block Plan (Dwg 2022SKG03), received 20th June 2022;
 4. Proposed Floor Plans & Elevations (Dwg 2022SKG01), received 20th June 2022;
 5. the Notice of Decision;
 6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

Relevant Development Plan Policies

Item no: 08

Appn Ref No:
21/0812

Applicant:
Ms Sally Oliver

Parish:
Kingwater

Date of Receipt:
13/08/2021 16:00:53

Agent:
Carter Smith Planning
Consultants

Ward:
Brampton & Fellside

Location:
Glen Croft, West Hall, Brampton, CA8 2BS

Grid Reference:
358135 566867

Proposal: Siting Of 3no. Moveable 'Eco-Home' Holiday Chalets; Creation Of Hardstanding (Part Retrospective)

Decision of: Planning Inspectorate

Decision Type: Appeal Allowed With Conditions

Date: 19/07/2022

Item no: 09

Appn Ref No:
21/1069

Applicant:
Mr Whitby

Parish:
Castle Carrock

Date of Receipt:
17/11/2021 15:00:11

Agent:
ELG Planning

Ward:
Brampton & Fellside

Location:
Castlegate House, Castle Carrock, Brampton, CA8
9LT

Grid Reference:
354205 555685

Proposal: Erection Of Stone Wall With Cedar Wood Fencing & Double Gates
(Retrospective)

Decision: Refuse Permission

Date: 20/01/2022

Decision of: Planning Inspectorate

Decision Type: Appeal Dismissed

Date: 14/07/2022

Item no: 10

Appn Ref No:
22/0052

Applicant:
Allenwood Enterprises Ltd

Parish:
Carlisle

Date of Receipt:
27/01/2022 15:00:16

Agent:
Mr C Welbourne

Ward:
Botcherby & Harraby North

Location:
333 Warwick Road, Carlisle, CA1 2BS

Grid Reference:
341766 555921

Proposal: Replacement Of Existing 48 Sheet Illuminated Advertisement Hoarding
With 1no. 48 Sheet Gable Mounted Digital Advertising Internally
Illuminated Display Hoarding

Decision: Refuse Permission

Date: 21/03/2022

Decision of: Planning Inspectorate

Decision Type: Appeal Dismissed

Date: 16/06/2022

Item no: 11

Appn Ref No:
21/0617

Applicant:
Mr John Wilson

Parish:
Kirkandrews

Date of Receipt:
18/06/2021

Agent:

Ward:
Longtown & the Border

Location:
Land adjacent Forest Gate, Blackbank, Longtown,
CA6 5LQ

Grid Reference:
334831 567582

Proposal: Erection Of 1no. Dwelling (Outline)

Decision: Refuse Permission

Date: 04/10/2021

Decision of: Planning Inspectorate

Decision Type: Appeal Dismissed

Date: 21/07/2022

Item no: 12

Appn Ref No:
22/9003

Applicant:
Cumbria County Council

Parish:
Carlisle

Date of Receipt:
14/06/2022

Agent:
Cumbria County Council -
Economy & Planning

Ward:
Belah & Kingmoor

Location:
James Rennie School, California Road, Carlisle,
CA3 0BU

Grid Reference:
339697 559299

Proposal: Erection Of Modular Building To Provide 2no. Temporary Classrooms

Decision: City Council Observation - Raise No Objection

Date: 30/06/2022

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 19/07/2022

Audit Committee

Date: Friday, 08 July 2022

Time: 10:00

Venue: Flensburg Room

Present: Councillor Robert Betton, Councillor Pamela Birks, Councillor Mrs Christine Finlayson, Councillor Neville Lishman, Councillor Mrs Linda Mitchell, Councillor Lucy Patrick

Also Present: Councillor J Mallinson, Leader
Councillor Ellis, Finance, Governance and Resources Portfolio Holder

Officers: Town Clerk and Chief Executive
Head of Legal and Democratic Services
Head of Financial Services (Deputy S.151)
Head of Revenues and Benefits Services
Audit Services Manager
Infrastructure and Service Desk Manager
Public Sector Audit Senior Manager (Grant Thornton)

AUC.19/22 APPOINTMENT OF CHAIR

The Head of Legal and Democratic Services invited nominations for Chair of the Audit Committee.

It was moved and seconded that Councillor Patrick be appointed as Chair.

It was moved and seconded that Councillor Bomford be appointed as Chair.

The matter was put to the vote and the numbers for each proposal were equal.

The Head of Legal and Democratic Services advised that, as Members had not agreed a Chair of the Audit Committee for the municipal year the matter would be referred to Council for determination. Nominations for the appointment of Chair for the meeting were invited.

It was moved and seconded that Councillor Patrick be appointed Chair for the meeting.

Councillor Patrick thereupon took the Chair.

RESOLVED - 1) That Councillor Patrick be Chair of the Audit Committee for the current meeting.

2) That the appointment of Chair of the Audit Committee for the 2022/23 municipal year be referred to Council for determination.

AUC.20/22 APPOINTMENT OF VICE CHAIR

The Chair considered that the matter ought to be progressed at the next meeting of the Committee, the Committee indicated its assent.

RESOLVED - That the Audit Committee would appoint the Vice Chair at its meeting of 27 July 2022.

AUC.21/22 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of

AUC.22/22 DECLARATIONS OF INTEREST

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

- Councillor Patrick declared an interest in respect of item A.2(ii) - Internal Audit Report - Sands Centre Development. The interest related to a relative being employed on the Sands Centre Re-development Site.

AUC.23/22 PUBLIC AND PRESS

It was agreed that the items in Part A be dealt with in public and the items in private be dealt with in Part B.

AUC.24/22 MINUTES OF PREVIOUS MEETINGS

RESOLVED - It was noted that Council, at its meeting of 26 April 2022, received and adopted the minutes of the meeting held on 23 March 2022. The Chair signed the minutes.

AUC.25/22 EXTERNAL AUDIT PLAN 2021/22

The Public Sector Audit Senior Manager (Grant Thornton), presented the external Audit Plan for Carlisle City Council for the year ended 31 March 2022.

Members' attention was drawn to the summary provided which included the four significant risks identified and progress against prior year audit recommendations. An overview of Key Matters including CIPFA consultations and changes to accounting practices were provided, along with matters relating to the Value For Money (VFM) conclusions and Materiality.

The Committee asked the following questions during discussion:

- Why had the Council's materiality been set at 1.9%?

The Public Sector Audit Senior Manager (Grant Thornton) explained that Materiality was usual set at 1 - 2% of an organisation's gross expenditure: a lower percentage equalling a greater likelihood of concerns.

In response to a Member noting the lack of audit information in report, the Chair explained that

the plan set out how the audit was to be carried out, the details of the external audit would be submitted to the Committee in due course.

RESOLVED – 1) That the External Audit Plan for 2021/22 be noted and received.

2) That the increase in the external audit fee of £2,500 be noted.

AUC.26/22 INTERNAL AUDIT PROGRESS (APRIL TO JUNE)

The Audit Services Manager submitted report RD.09/22 providing an overview of the work carried out by internal audit since the previous Audit Committee (17 March 2022) covering the end of the 2021/22 financial year and initial progress on the 2022/23 Internal Audit Plan.

Eleven full audit reviews had been completed and were provided for consideration by Members: Property Income; Sands Centre Development; Council Tax; Recycling (Performance Information); Development Management (Complaints); Future High Street Fund; Creditors; Main Accounting System; and Procurement (Counter-Fraud). ICT Recommendations and Cyber Security were submitted as private reports.

Updates were provided on the National Fraud Initiative, Revenues and Benefits, the Council's Business Continuity Plan and Building Maintenance and along with other areas that had utilised the Audit resource during the period.

In considering the Internal Audit Progress (April to June), Members raised the following question and comments:

- A Member commented that an audit of building maintenance would be useful as part of the Council's transition to unitary authority.

The Audit Services Manager advised that the Service Manager had requested that the planned audit which was to focus on compliance with legal requirements not be carried out at the scheduled time. He noted that another risk-based audit was planned within Property Services, where the Committee to require it, the Audit Plan may be amended to include building maintenance. Where that to be the case, the Audit Services Manager indicated either a full audit or a smaller piece of work in respect of insurance would be most useful.

The Chair requested that assurance be sought from the Service Manager that there was an appropriate overview of the Council's buildings and facilities.

Members discussed the Council's Asset Register, the Town Clerk and Chief Executive suggested that an Officer from the Property Services deliver an informal briefing for the Committee on the Register and the Asset Disposal Plan. The Chair welcomed the proposal.

The Chair observed that a number of audit recommendations remained to be implemented (Appendix B refers) and noted that the Committee had discussed the matter at its previous meeting.

The Audit Services Manager acknowledged the Chair's comments, noting there were a variety of factors impacting the implementation of audit recommendations. He added that, following the publication of the report, responses had been provided in respect of Revenues and Benefits and other areas.

The Head of Revenues and Benefits explained that implementation of recommendations had been delayed due to third party involvement, he went on to give an overview of the different

approaches to fraud investigation between the Council and DWP.

The Audit Services Manager then outlined, in some detail, each of the above-mentioned audits in turn highlighting, in particular, the context; key points; and associated recommendations.

RESOLVED - 1) That the Audit Committee:

- i) noted the progress against the audit plan 2021/22;
- ii) noted the progress against the audit plan for 2022/23;
- iii) note the progress made on recommendations to date outlined in Appendix B;
- iv) note the recent submission of responses to the outstanding recommendations by Revenues and Benefits;

2) That the Town Clerk and Chief Executive arrange an informal briefing for the Committee on the Asset Register and Asset Disposal Plan.

Members considered the following individual completed audit reviews:

Property Income

In relation to the charging of not re-charging insurance premiums to tenants, the Chair asked: how far back in time the issue went and the level of sums involved. She further questioned, given the error was the Council's responsibility, whether it was appropriate to seek to reclaim the monies?

The Head of Financial Services (Deputy S.151) responded that the audit had identified that the premiums had not been recharged to the tenants. Going forward the re-charges would be levied on the tenant via an annual invoice. The Council would not seek to reclaim the non recharged monies.

RESOLVED - That the audit report - Property Income be received and that the Audit Committee were assured that any financial loss to the Council was not significant.

Sands Centre Development

In response to a Member noting that the Project Board had not met since March 2021, the Audit Services Manager advised that weekly meetings of the Board were being held and that latterly minuting of those meetings had been reinstated.

The Audit Services Manager further advised that he would follow up on the following matters:

- The provision of staff appraisals and e-learning which he hoped to report back to the next meeting of the Committee;
- That the actions in relation to the audit recommendations had been met the implementation dates set out in Appendix A of the report.

RESOLVED - That the audit report - Sands Centre Development be received (RD.10/22)

Council Tax

The Head of Revenues and Benefits set out the process for sample checks following a question from a Member.

The Committee discussed the finalisation and publication of the draft Collection and Recovery Policy. The Town Clerk and Chief Executive advised that it was important to differentiate between policies which were adopted at Council and guideline documents that Officers worked

to in the delivery of their duties to ensure a consistent approach to service delivery. The draft policy was a guideline document, therefore the Town Clerk and Chief Executive was of the view that it did not require to be published.

RESOLVED - That the audit report - Council Tax be received (RD.11/22)

Recycling Performance

With regards to paragraph 5.3.4 of the report, a Member sought assurance that the Council was in receipt of the most update information regarding the CWR handling charges.

The Audit Services Manager confirmed that the Council did have up to date information and noted that that any future policy review would need to be based on evidence.

RESOLVED - That audit report - Recycling Performance be received (RD.21/22)

Development Management (Complaints)

A Member asked if it was anticipated that the level of complaints would reduce going forward.

The Head of Legal and Democratic Services responded that the increased level of complaints being attributed to the restrictions of the pandemic had been anecdotally observed. Often complaints arose when there was dissatisfaction with a decision of the Development Control Committee.

RESOLVED - That audit report - Development Management (Complaints) be received (RD.13/22)

Future High Street Fund

A Member sought assurance that the risk register for the project was reviewed on a regular basis.

The Audit Services Manager responded that the Risk Registers were reviewed on a quarterly basis. Furthermore, the Project Management Officer were found to be regularly using the Framework, but that activity would benefit from better documenting.

The Town Clerk and Chief Executive added that he considered such a two-phase approach an appropriate form of risk management. Due to increased workloads associated with Local Government Reorganisation, it was possible that the more strategic review work was not happening as frequently, however, he anticipated that use of the risk register would be included in day to day work.

RESOLVED - That audit report - Future High Street be received (RD.14/22) and that a clear focus on risk be maintained.

Creditors

The Chair invited the Head of Financial Services (Deputy S.151) to comment on the high graded recommendation in the report: 6 - Oversight of bank detail changes to verify the robustness of checks carried out. .

The Head of Financial Services (Deputy S.151) advised that system reports were used as the basis of verification work and sample checks were carried out. The system and the

independent verification thereon was considered to be working well. Furthermore, progress was being made in relation to each of the audit recommendations.

RESOLVED - That audit report - Creditors be received (RD.15/22)

Main Accounting System

Members welcomed the report.

RESOLVED - That audit report - Main Accounting System be received (RD.16/22)

Procurement (Counter-Fraud)

A Member commented that it was good practice to include created and review dates on the front cover of policy documents. The Town Clerk and Chief Executive undertook to look into the matter. The Chair commented that it would be useful for the process to be embedded prior to unitary authority.

RESOLVED - That the audit report - Procurement (Counter-Fraud) be received (RD.17/22).

AUC.27/22 INTERNAL AUDIT ANNUAL REPORT 2021/22

The Designated Head of Internal Audit submitted report RD.22/22, the purpose of which was to give his opinion on the effectiveness of the Council's arrangements for risk management, governance and internal control in accordance with the requirements of the Public Sector Internal Audit Standards (PSIAS).

The Designated Head of Internal Audit's opinion based on the completed audit work, was that Carlisle City Council's overall framework of governance, risk and internal control was reasonable and audit testing had confirmed that controls were generally working effectively in practice, although there were specific control concerns in relation to ICT services and general concerns about Council resources.

In his dual role as Head of Financial Services and Designated Head of Internal Audit, he could further confirm that his independence and that of Internal Audit had not been in any way diminished by that working arrangement (the External Quality Assessment 2018 and annual self-assessment confirmed that suitable arrangements were in place to maintain audit independence).

The Chair commented that, in relation to managers' capacity to implement audit findings being affected by Local Government Reorganisation, it was important that the Senior Management Team assisted in the creation of an appropriate balance. She further noted that it had been some time since the Committee had undergone an effectiveness self-assessment and suggested that consideration be given to one being undertaken in the future.

At the invitation of the Chair the Audit Services Manager explained the process and increased benefits of carrying out post audit satisfaction conversations as opposed to the circulation satisfaction surveys. The Head of Financial Services endorsed the approach adding that the conversation model added more value to the process, Members also indicated their support for the method.

RESOLVED - 1) That the Audit Committee noted:

- (i) The progress achieved in 2021/22 in delivering the Audit Plan and the outcomes of completed audit reviews as set out in Appendix A of RD.22/22;
 - (ii) The Designated Head of Internal Audit's opinion of reasonable assurance on the Council's overall systems of governance, risk management and internal control for the year ended 31 March 2022;
 - (iii) The designated Head of Internal Audit's declaration of Internal Audit's independence as required by the mandatory PSIAS;
 - (iv) The Designated Head of Internal Audit's declaration of conformance with the mandatory PSIAS;
 - (v) the performance of the Internal Audit service as shown at Appendix B of RD.22/22.
- 2) Supported the post audit conversation with managers as a method of continuous improvement.

AUC.28/22 INTERNAL AUDIT COMPLIANCE WITH PUBLIC SECTOR INTERNAL AUDITING STANDARDS (SELF ASSESSMENT)

The Audit Services Manager introduced internal Audit's self-assessment of compliance with the Public Sector Internal Auditing Standards for 2021/22 (RD.25/22).

The Audit Services Manager reported that the Public Sector internal Audit Standards were introduced in 2013 and revised in 2017. The Standards reflected the mandatory elements of the Institute of Internal Audit's International Professional Practices Framework (IPPF), which defined the principles and standards required by Internal Auditors. The Standards were intended to promote further improvement in the professionalism, quality, consistency and effectiveness of internal audit across the public sector.

The Internal Audit team had been subject to an external quality assessment of their compliance with the Public Sector Internal Audit Standards in April 2018. The assessment found that the department confirmed with all the standards and recommendations made following the review had been implemented. The department had also performance annual self-assessments against the Standards using a CIPFA checklist. The results of the assessment had been included as Appendix A along with improvement points which would be implemented during 2022/23.

The Chair commented that the report demonstrated the effect of the internal audit function and noted that it would be an important feature in 2022/23.

It was good practice for Audit Committee's to undertake an effectiveness self-assessment, the procedure for which was straightforward. The Chair proposed that an effectiveness self-assessment be arranged for the Committee in 2022/23, Members indicated their assent.

RESOLVED - 1) That the Audit Committee noted the findings and improvement actions outlined in the self-assessment attached at Appendix A of RD.25/22.
2) That an effectiveness self-assessment be arranged for the Committee in 2022/23.

AUC.29/22 HOUSING BENEFIT SUBSIDY 2020/21

The Head of Revenues and Benefits Services presented details of the completed audit of the Housing Benefit Subsidy Claim for 2020/21 undertaken by Mazars.

The Head of Revenues and Benefits reported that the DWP required the Council to engage a reporting accountant to review its administration of housing benefit awarded to claimants on an

annual basis using a standard methodology. Mazars had reviewed the Council's claim for housing benefit subsidy of £20.045m for the year ended 31 March 2021, including testing of individual cases and other related testing specified by the DWP. The summary from Mazars had been attached as Appendix A, the key outcomes to be noted were that there were no significant adverse findings and no impact on the £20.045m subsidy claimed by the Council.

A Member commended staff for no claims having been processed in error.

The Chair also welcomed the fantastic work done by the team and asked that the Committee's thanks be passed on to the team.

RESOLVED - 1) That the content of the Housing Benefit Subsidy Report be noted (RD.27/22).

2) That the Committee's commendation of the work carried out by the team be passed on to officers.

AUC.30/22 TREASURY MANAGEMENT OUTTURN 2021/22

The Head of Financial Services submitted the Annual Report on Treasury Management (RD.05/22), as required under both the Financial Procedure Rules and CIPFA Code of Practice on Treasury Management. The Executive and the People Panel had considered the matter on 25 May 2 and 9 June 2022 respectively and the decisions were set out in Minutes EX.72/22 and PEP.07/22.

Members welcomed the level of return realised by the Council's investments, particularly the property fund and thanked Officers for their hard work.

RESOLVED - That the Treasury Management Outturn Report 2021/22 (RD.05/22) be noted.

AUC.31/22 TECHNICAL UPDATE AND CONSULTATIONS

The Head of Financial Services presented an update on technical issues and consultations on financial and auditing subjects (RD.21/22).

The Head of Financial Services provided details on the Updated Public Works Loan Board; Capital Investment and Borrowing; Infrastructure Assets; Government response to local audit framework; and CIPFA's position Statement: Audit Committees in Local Authorities and Police 2022, along with the implications for the Council.

Members discussed valuation of the Council's assets and inflation and the impact on the gearing position.

The Head of Financial Services set out the process for asset valuations and that although the Council had identified a borrowing requirement, actual borrowing was still very low when compared to the asset base.

The Chair commented that the approach was standard procedure subject to Minimum Revenue Provisions being met.

RESOLVED - That the Audit Committee noted the update on consultations and technical issues (RD.21/22)

AUC.32/22 PUBLIC AND PRESS

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

AUC.33/22 INTERNAL AUDIT REPORT - ICT RECOMMENDATIONS

(Public and Press excluded by virtue of Paragraph 3)

The Audit Services Manager submitted the Internal Audit Progress 2021/22 follow up review of ICT Recommendations (RD.19/22). The audit had been a follow up on recommendations made at a previous audit of ICT and had been undertaken in line with the agreed Internal Audit Plan for 2021/22. The audit provided partial assurances and included recommendations.

The Audit Services Manager advised that an early draft version of the report had been circulated which did not contain an updated action plan. Members were given a verbal update regarding the action plan and the Audit Services Manager undertook to circulate to the Committee the updated report.

The Committee then discussed a number of matters set out in the report in detail and asked questions and sought assurance from Officers. Members noted the importance of the work of Officers and the constraints they had been working within.

RESOLVED - That the Internal Audit Report - ICT recommendations be received (RD.19/22)

AUC.34/22 INTERNAL AUDIT REPORT - CYBER SECURITY

(Public and Press excluded by virtue of Paragraph 3)

The Audit Services Manager submitted the Internal Audit Progress 2021/22 review of Cyber Security (RD.20/22).

The Audit Services Manager reported that an audit of Cyber Security had been undertaken by Internal Audit in line with the agreed Internal Audit Plan for 2021/22. The audit provided partial assurances and included recommendations.

The Committee then discussed a number of matters set out in the report in detail and asked questions and sought assurance from Officers. Members noted the importance of the work of Officers and the constraints they had been working within.

RESOLVED - That the Internal Audit Report - Cyber Security be received (RD.20/22)

The Meeting ended at: 13:00

Audit Committee

Date: Wednesday, 27 July 2022

Time: 10:00

Venue: Flensburg Room

Present: Councillor Robert Betton, Councillor Pamela Birks, Councillor Jeffrey Bomford, Councillor Mrs Christine Finlayson, Councillor Neville Lishman, Councillor Mrs Linda Mitchell, Councillor Ruth Alcroft (for Councillor Lucy Patrick)

Also Present: Councillor Ellis, Finance, Governance and Resources Portfolio Holder
Ms Philp, Senior Manager, Grant Thornton

Officers: Corporate Director of Governance and Regulatory Services
Corporate Director of Finance and Resources
Head of Financial Services (Deputy S.151)

AUC.35/22 APPOINTMENT OF VICE CHAIR

The Chair sought nominations for the appointment of Vice Chair of the Audit Committee for 2022/23.

It was moved, seconded and

RESOLVED - That Councillor Mrs Finlayson be appointed Vice Chair of the Audit Committee for the 2022/23 municipal year.

AUC.36/22 APOLOGIES FOR ABSENCE

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

AUC.37/22 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

AUC.38/22 PUBLIC AND PRESS

It was agreed that the items in Part A be dealt with in public and the items in private be dealt with in Part B.

AUC.39/22 MINUTES OF PREVIOUS MEETING

RESOLVED - That the approval of the minutes of the meeting held on 8 July 2022 be deferred to the next meeting of the Audit Committee.

AUC.40/22 EXTERNAL AUDITOR'S PROGRESS REPORT AND SECTOR UPDATE

The Senior Audit Manager, Grant Thornton introduced herself to the Committee giving an outline of her experience in the sector.

The Senior Audit Manager reported that the External Audit was now underway, and as previously reported, there were three significant risks. Once completed the Audit would be presented to the Committee.

The Committee sought clarification with regard to the confidence in the increased valuation for assets. The Senior Audit Manager confirmed that the valuation of assets was a significant risk across all local authorities due to the pandemic and the current economic climate. She assured the Committee that the Audit would robustly challenge the work of the valuer.

The Head of Financial Services added that the Council undertook an annual valuation with an external valuer, a national valuer was used, and the valuation process was the same across the country, he confirmed that he had confidence in had the valuations had been undertaken.

A Member highlighted the Local Government Reorganisation process and questioned how this would impact on External Audit. The Senior Audit Manager reported that their role as external auditors would change over the coming months, currently their responsibility was to ensure the 2021/22 audit was complete for hand over to Cumberland Council. Grant Thornton would have to understand the process and challenges moving forward and audits would increase in complexity and size, the first year was a significant task for audit and financial services.

The Corporate Director of Finance and Resources reminded the Committee that the PSAA contract would end in 2023 and would be subject to a tender process. The role and responsibility of internal audit would remain the same. In response to a question the Corporate Director confirmed that the City Council Internal Audit team was fully resourced and she had not been advised of any resources gap or potential slippage. She added that the Cumberland Council would be required to close the 2022/23 accounts for the sovereign Councils and structures and resources would be a matter for the new Section 151 officer.

RESOLVED - That the Senior Audit Manager, Grant Thornton, be thanked for her update.

AUC.41/22 DRAFT STATEMENT OF ACCOUNTS 2021/22

The Head of Financial Services (Deputy S.151) submitted the draft Statement of Accounts 2021/22 (RD.29/22).

The Head of Financial Services reported that the Council's Statement of Accounts 2021/22 (subject to Audit) had been certified by the S.151 Officer in accordance with the revised Statutory requirements. The Accounts would be subject to audit, which must be concluded by the statutory dealing of 30 November 2022. Key issues included within the 2021/22 Statements were highlighted within the report.

- In response to questions the Head of Financial Services clarified the following:

- Should Tullie House be transferred as a Community Asset Transfer, the collection would remain the property of the City Council, the ownership would then transfer to Cumberland Council;
- One investigation was underway regarding whistle blowing, the Audit Services Manager would be asked to provide information on any assurances given;
- The finds from the Cricket Ground had not been included in the Tullie House collection for balance sheet or insurance purposes.

In discussing the report Members raised the following:

- A Member asked for clarification on the deficit on the local government pension scheme and the impact it would have on employees.

The Head of Financial Services explained the process for the determination of the fund, clarifying that the paragraph in the report referred to employer contributions. There would be no impact on employee contributions or on their final pension.

The Corporate Director of Finance and Resources informed the Committee that the deficit had been reduced since the last valuation and savings had been built into the budget based on the level of investment return.

- There was some concern that the building maintenance costs had not been included, a Member sought assurances that the work would be undertaken.

The Head of Financial Services reminded the Committee that the Asset Management Plan detailed the maintenance backlog on buildings, Property Services then built in the maintenance as required. The Corporate Director of Finance and Resources added that a budget for maintenance and repairs had been included in the revenue and capital budgets and was available for any repairs required.

- Had the rise in energy costs impacted the Council's budget and could resources be found to support Communities Centres with their rising costs?

The Corporate Director of Finance and Resources informed the Committee that increases to energy costs had been included in the budget, however, the increases may be more than budgeted for. Referring to the Community Centres, the Corporate Director explained that the Centres received a recurring contribution from the Council, however, no assurances could be given for the Cumberland Council budget.

RESOLVED – That the Audit Committee:

- (i) noted that the 2021/22 Statement of Accounts had been certified as giving a true and fair view by the Corporate Director of Finance and Resources and they would now be subject to audit;

- (ii) noted that the internal quality review of the accounts was still ongoing and that the accounts may be re-authorised for issue prior to the statutory deadline if required;

- (iii) confirmed that the Committee had been appropriately briefed on how accounting estimates were used.

AUC.42/22 DRAFT ANNUAL GOVERNANCE STATEMENT 2021/22

The Corporate Director of Finance and Resources reported that the Draft Annual Governance Statement (subject to audit) for 2021/22 had been certified by the Council's S.151 Officer, Chief Executive and Leader, in accordance with statutory requirements (RD.30/22). The Statement would be formally approved following the completion of the audit process.

The Corporate Director stated that there were no areas of weakness which needed to be brought to Members attention.

RESOLVED -That the Audit Committee noted the contents of the 2021/22 Draft Annual Governance Statement, noting that the Statement would accompany the annual Statement of Accounts following the audit process.

The Meeting ended at: 10:47

