



Development Control Committee

Date: Friday, 05 August 2022

Time: 10:00

Venue: Cathedral Room

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 MEETING

RESOLVED 1) That the Chair sign 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 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.72/22 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 - Citadel Buildings, 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 Citadel Buildings, 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 to 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, Land 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 occasion, 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 as 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