

## **DEVELOPMENT CONTROL COMMITTEE**

**FRIDAY 26 MARCH 2021 AT 10.00 AM**

**PRESENT:** Councillor Tinnion (Chair), Councillors Alcroft, Birks, Christian, Finlayson, Meller, Morton, Nedved, Shepherd and Whalen.

**ALSO**

**PRESENT:** Councillor Allison (Ward Member) (in his capacity as Ward Member) attended the meeting having registered a Right to Speak in respect of application 20/0695 – Sundown Cottage, Burgh by Sands, Carlisle, CA5 6AX.

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

### **DC.025/21 APOLOGIES FOR ABSENCE**

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

### **DC.026/21 DECLARATIONS OF INTEREST**

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

Councillor Whalen declared an interest in respect of application 21/0072 – 53/53a Scotland Road, Carlisle, CA3 9HT. The interest related to the applicant being known to her. Councillor Whalen indicated that she would not take part in the discussion nor determination of the application.

Councillor Christian declared an interest in respect of application 21/0079 – Land adjacent to The Lodge, Bitts Park, Dacre Road, Carlisle, CA3 8UZ. The interest related to predetermination through participation in discussions and decision making relating to the site, in his capacity as a member of the Council's Executive.

### **DC.027/21 PUBLIC AND PRESS**

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

### **DC.028/21 MINUTES OF PREVIOUS MEETINGS**

**RESOLVED** 1) - That it be noted that Council at its meeting of 2 March 2021 received and adopted the minutes of the meetings held on 2 December (site visits) 2020, 4 December 2020, 6 January (site visits) 2021 and 8 January 2021.

2) That the minutes of the meetings held on 19 February and 24 March (site visits) 2021 be approved.

## **DC.029/21 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS**

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

## **DC.030/21 CONTROL OF DEVELOPMENT AND ADVERTISING**

That the applications referred to in the Schedule of Applications under A be approved/refused/deferred, subject to the conditions as set out in the Schedule of Decisions attached to these Minutes.

### **1. Erection of Temporary Hub of container units interlinked to provide low key food and drink outlets, Land adjacent to The Lodge, Bitts Park, Dacre Road, Carlisle, CA3 8UZ (Application 21/0079).**

*Councillor Christian, having declared an interest in the item of business took no part in the discussion nor determination of the item.*

The Principal Planning Officer submitted the report on the application. Slides were displayed on screen showing: site plan; site massing and layout plan; general floor plan and elevations; artists impression plans, 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.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The development would not preclude the future development of The Lodge and would provide a test bed for a variety of business types and indicate possible areas of use for The Lodge in the future;
- A Manager would be based at the site and would have responsibility for ensuring the area within and around the scheme remained tidy.

Following concerns expressed by Members, the Principal Planning Officer undertook to liaise with the applicant regarding pedestrian access signage and street lighting provision.

In response to concerns from a Member that the artwork added to the external elevations of the units be appropriate to the setting of Carlisle Castle, the Corporate Director of Economic Development suggested that a condition be added to the permission delegating authority to herself to approve the artwork. The Committee indicated its agreement.

A Member moved the Officer's recommendations along with the imposition of an additional condition requiring the artwork added to the external elevations of the units be approved by the Corporate Director of Economic Development; and, that the Principal Planning Officer undertook to liaise with the applicant regarding pedestrian access signage and street lighting provision. 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, along with the

imposition of an additional condition requiring the artwork added to the external elevations of the units be approved by the Corporate Director of Economic Development.

2) That the Principal Planning Officer undertook to liaise with the applicant regarding pedestrian access signage and street lighting provision.

## **2. Erection of detached annex, Sundown, Burgh by Sands, Carlisle, CA5 6AX (Application 20/0695)**

The Planning Officer submitted the report on the application which had been the subject of a virtual site visit by the Committee on 24 March 2021. Slides were displayed on screen showing: site plan; existing block plan; proposed block plan; proposed floor and roof plans; elevation 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.

Councillor Allison (Ward Member) addressed the Committee in the following terms: the proposed development of the site had morphed over time, with an initial proposal being for a garage to the scheme now before the Committee; the site plan included on page 46 of the Main Schedule did not show the extension/sun lounge of the adjacent property which the proposed annex would face; the applicant would be able to erect a two metre fence along the boundary with the adjacent property without the need for planning permission which would effectively make the scheme a back land development; the application form stated that the proposed annex was "... almost exclusively for family use..." that statement was ambiguous and may allow for the annex to be used as a holiday let thus setting a precedent for future development; the conditions in the permissions may not be enforceable in the event of the sale of the site.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- In comparison to the previously approved garage's ridge height was one metre higher, the eaves would be 0.7 metre larger and the overall footprint was 9.68 metres larger, however, the ground level would be reduced by 0.5 metres;
- Condition 3 in the permission stipulated that occupation of the annex would be by relatives or dependants of Sundown and that no part of it may be sold off, let or otherwise disposed of. The condition was enforceable and were the Local Planning Authority notified of a breach investigation and enforcement processed would be undertaken;
- The proposed annex exceeded the minimum separation distances from the adjacent dwelling, set out in the Council Achieving Well Designed Housing Supplementary Planning Document;
- The proposed annex may slightly reduce the amount of sunlight received at the adjacent property, however the matter was not sufficient basis to refuse the application;
- In relation to the existing outbuilding at the site the Planning Officer confirmed that within a Conservation Area, an outbuilding of 115 sqm may be removed without requiring Planning Permission;
- Were the current application be approved it would supersede the earlier permission for the construction of a garage at the site;
- The application did not include provision of solar panels on the roof;
- The proposed flue would be sited on the eastern side of the annex facing the garden. The Council's Environmental Health Team had not raised any concerns in relation to the

application, the installation of the flue would have to be compliant with the relevant regulations.

A Member moved the Officer's recommendations 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.

**3. Proposed rear extension to provide annexe accommodation comprising living room & W.C. on ground floor with 2no. bedrooms & 1no. bathroom above (Revised Application), Rose Cottage, Uppertown, Kirklington, Carlisle, CA6 6BD (Application 20/0834)**

The Planning Officer submitted the report on the application which had been the subject of a virtual site visit by the Committee on 24 March 2021. Slides were displayed on screen showing: site location plan; proposed block plan; existing ground floor plan; existing elevation plan; proposed floor plans; previously approved elevation plans; revised proposed elevation 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 refused for the reasons set out in the report.

Ms Waugh (Applicant) addressed the Committee in the following terms: the proposed rear extension with a traditional pitched roof, amounting to 25% of the footprint of the existing dwelling was not over-dominant; the Officer's suggestion of a truncated ridge was out of keeping with the form of the existing dwelling nor the character of the area; the modern material used in a flat roof construction had the potential to cause significant technical issues when attempting to fix it to the existing roof, such a design would also limit space for ventilation and insulation and was less able to withstand extreme rain events; the proposed design was in-keeping with the form and design of the existing dwelling and would create a formed transition from the original roof to the extension and remain in harmony with the adjacent buildings; the proposed extension was neither prominent nor overbearing and its location in the lower corner of the garden effectively made it infill development; it would not be visible from the frontage of the property and the visual impact on surrounding buildings would be limited due to the existing landscaping; the report described the adjacent property as single storey when it was a one and a half storey building; no objections to the application had been submitted; other properties in the area had extensions with roofs higher than the main dwelling, an example being a property which overlooked the application site, it was essential that decision making was consistent and fair; the Officer's recommendation was subjective and unreasonable.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- There had been no objections submitted in relation to the application;
- The proposed extension would not be subservient as it would be taller than the existing dwelling;
- The examples given by the Applicant of other development in the hamlet were assessed under Local Plan policy H0 2 – Windfall Housing Development, as they were either a new dwelling or an application to increase the size of an existing dwelling, the current application was assessed against policy HO 8 – House Extensions.

A Member commented that in viewing the application he saw no issue other than the matter of subservience, he did not consider that sufficient grounds to refuse the application. Accordingly, he moved that the application be approved, the proposal was seconded.

With reference to the existing and proposed elevation plans, a Member stated the drawings were confusing as they seemed to include a structure that was not part of the application.

Another Member commented that the issue of subservience was a matter of interpretation and requested guidance on how that matter was to be weighed against other planning considerations.

The Development Manager responded that subservience was the principal issue of concern in the Officer's assessment of the application in the context of Local Plan policy HO 8. The application site was a single storey cottage positioned on a corner and the proposal was to create a one and a half to two storey extension to the rear that would create a natural conflict greater than if it were in another location. Members needed to consider the specific elements of the site and the proposal which would have the greatest visual impact at the side elevation rather than the front.

The applicant had emphasised the issue of the use of a traditional roof structure within the hamlet, as per their proposed form. The issue of subservience was clearly set out in the report which was to be weighed against the matter of the use of a traditional structure. The Development Manager advised Members that they needed to consider the balance of those two issues and to which they gave greater weight in determining the application.

A Member moved the Officer's recommendation, the proposal was seconded.

A Member commented that he did not feel he had sufficient information to determine the application, particularly given the detail provided in the elevation plans.

The Corporate Director of Economic Development expressed concern that Members may not feel they had enough detail relating to the proposal to determine the application. She suggested that Members consider deferring the application in order for additional information and images to be provided to understand the potential impact of the proposal in its setting/context.

The Member welcomed the suggestion. The proposals to approve and refuse the application were withdrawn.

A Member proposed that the application be deferred in order for additional information and images to be provided to understand the potential impact of the proposal in its setting/context, and that a further report on the application be submitted to a future meeting of the Committee. The proposal was seconded and, following voting it was:

**RESOLVED:** That determination of the application be deferred in order for additional information and images to be provided to understand the potential impact of the proposal in its setting/context.

**4. Variation of Condition 8 (opening Times) of previously approved permission 19/0630 (Change of Use from A1 (Retail) to A5 (Hot Food Takeaway); Installation of new shopfront and insertion of side window to extend afternoon opening time from 16.30 to 16.00, 53/53a Scotland Road, Carlisle, CA3 9HT (Application 21/0072).**

*Councillor Whalen, having declared an interest in the item of business took no part in the discussion nor determination of the item.*

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: site location 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.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The original application (19/0630) had specified a 16:30hrs opening time accordingly condition 8 of the permission had stipulated that time. The operator had been trading from 16:00hrs which was a breach of that condition, as was normal practice, the operator had been given the option of complying with the condition or to seek a variation, hence the current application before Members;
- A number of representations had been received in relation to issues such as parking, noise and odour all of which were out with the planning process. Those concerns had either been directed to the relevant service or the person raising an issue had been signposted to the appropriate team.

A number of Members expressed concerns that the breach of the condition and the current application may lead to further extension of the opening hours.

The Planning Officer responded that an application for an earlier opening time e.g. 15:30hrs would, as with all applications, be assessed on its merits, Members were required to consider the proposal before them.

A Member commented that it was important that applicants adhered to all conditions stipulated in a planning permission, given the recent breach he felt it was important that rigorous policing of the premise be undertaken in order to ensure compliance.

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

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

**5. Erection of two storey side extension to provide office and kitchen/diner on ground floor with 3no. bedrooms (1no. ensuite) above (Part Retrospective), 1 Langdale Avenue, Carlisle, CA2 5QG (Application 21/0048).**

The Principal Planning Officer submitted the report on the application. Slides were displayed on screen showing: site location plan; proposed block plan; proposed elevation plans; proposed floor plans, 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.

A Member moved the Officer's recommendations 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.

**6. Erection of rear extension and internal alteration to form 7no. flats; erection of mews block to rear to provide 2no. dwellings with associated parking, 104 London Road, Carlisle, CA1 2PE (Application 20/0693).**

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: site location plans; existing site plan; existing floor plans; existing elevation plans; proposed block plan; proposed floor plans; proposed elevation plans; 3D drawing of proposed development, and photographs of the site, an explanation of which was provided for the benefit of Members.

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

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The Highway Authority's initial response to the application had been to recommend refusal on the following grounds –
  - o Surface Water Drainage – it had subsequently confirmed that condition 4 of the permission which required the submission of details of system to be installed be approved by the Local Planning Authority prior to commencement of the development was satisfactory;
  - o On site turning facilities – this matter related to the issue of refuse collection vehicle. The Highway Authority was of the view that vehicles would not be able to enter the site. Under the site's previous lawful use as a public house, refuse collections had taken place by a private operator, the proposed scheme would not prevent such collections being carried out where the application to be approved;
  - o Off street parking / effect on local traffic conditions and public safety / impact on sustainable travel – Those concerns were connected to the Highway Authority's position that 15 car parking spaces should be provided at the site rather than 11; The Planning Officer's view was that each dwelling within the development would be provided with its own car parking space with the additional spaces for visitor parking, a cycle rack was also to be provided at the site enabling future occupiers to choose differing modes of transport;  
Existing parking restrictions on the highway network in the vicinity of the site meant that approving the scheme would not cause traffic to be displaced.  
The site was located within walking distance of the city centre / Botcherby South and their associated services, and was served by existing bus routes;  
In assessing the application the Officer had considered the balance between the re-use of the building and highway safety impact, she judged that the benefits of the proposed scheme outweighed the impacts to highway safety. The balance of those issues was also a factor in Members determination of the application;

- If the applicant wished to provide additional parking for the scheme it was a matter for them to pursue with providers in the locality;
- The proposed scheme had also been subject of a Listed Building Consent (LBC) application which had been approved under Delegated Powers. The approval of LBC did not preclude the Committee's consideration of the current application, were any amendment required to the LBC a new application would be required to be submitted;
- The access would remain as existing and its form had been approved by the Highway Authority in 2017;
- An Environmental Noise Impact Assessment had not been submitted with the application. There were a number of operational businesses in the vicinity of the site and existing residential properties, no noise complaints had been received. Were the scheme to be approved, the dwellings would need to comply with the relevant Building Control Standards in relation to insulation which would mitigate noise impact.

A Member requested that provision of ducting for electric vehicle charging points in the car park area be included in the permission. The Planning Officer undertook to impose a condition in the permission.

A Member moved the Officer's recommendations along with the imposition of an additional condition requiring the provision of ducting for electric vehicle charging points in the car park area. The proposal was seconded and following voting it was:

RESOLVED: That applications be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes along with the imposition of an additional condition requiring the provision of ducting for electric vehicle charging points in the car park area.

## **7. Remediation works to prepare site for future development, Caldew Riverside (Lower Viaduct) Remediation Works, Carlisle (Application 21/0049).**

The Principal Planning Officer submitted the report on the application. Slides were displayed on screen showing: site 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 approved subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

A Member noted that the report did not set out the number of excavation vehicle movements from the site nor the operation times of the site.

The Principal Planning Officer explained that the extent of the remediation work required at the site would not be known until initial investigation works had been completed, as such the number of excavation vehicle movements was not currently known. The site had formerly operated as a car park, therefore the Highway Authority had not, in its response to the application expressed concerns regarding the number of vehicle movements.

The Corporate Director of Economic Development suggested that the Committee consider delegating authority to herself to implement a Traffic Management Plan for the site in conjunction with the Highway Authority. The Member indicated his agreement.



In terms of the hours of operation of the site, a condition restricting those was able to be imposed on the permission, however, the Principal Planning Officer noted that there were no residential properties in the vicinity of the site who would be impacted by the works in terms of noise.

A Member moved the Officer's recommendations which 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, when the extent of the remediation works required was known, the Corporate Director of Economic Development, in conjunction with the Highway Authority, implement a Traffic Management Plan for the site.

### **SCHEDULE B**

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

RESOLVED – That the report be noted.

### **DC.031/21 COMMITTEE COMMENTS**

A Member wished to place on record the Committee's exceptional thanks to the Officers from the Development Management and Democratic Services teams who had taken part in the delivery of the Committee's virtual meetings which in his view had been excellent and he was extremely proud of all those involved.

The Chair endorsed the Member's comments and further thanked the Committee members for their participation in and conduct at the virtual meetings.

[The meeting closed at 12:37pm]