

AGENDA

Development Control Committee

Friday, 06 November 2020 AT 10:00

This meeting will be a virtual meeting and therefore will not take place in a physical location.

Virtual Meeting - Link to View

This meeting will be a virtual meeting using Microsoft Teams and therefore will not take place at a physical location following guidelines set out in Section 78 of the Coronavirus Act 2020.

[To view the meeting online click this link](#)

Register of Attendance and Declarations of Interest

A roll call of persons in attendance will be taken and Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

Apologies for Absence

To receive apologies for absence and notification of substitutions.

Public and Press

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

Minutes of Previous Meetings

5 - 14

To note that Council, at its meeting of 3 November 2020, received and adopted the minutes of the Development Control Committee meetings held on 12 August (site visits), 14 August, 9 September (site visits) and 11 September 2020. The Chair will sign the minutes at the first practicable opportunity. [Copy minute in Minute Book 47 (3)].

To approve the minutes of the meeting held on 9 October 2020.

PART A

To be considered when the Public and Press are present

A.1 CONTROL OF DEVELOPMENT AND ADVERTISING

To consider applications for:

- (a) planning permission for proposed developments
- (b) approval of detailed plans
- (c) consents for display of advertisements.

Explanatory Notes

**15 -
20**

Item 01 - 20/0567 - Dalston Hall Caravan Park, Dalston, Carlisle, CA5 7JX

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Item 02 - 20/0245 - 4-14 Victoria Place, Carlisle, CA1 1ER

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Item 03 - 20/0246 - 4-14 Victoria Place, Carlisle, CA1 1ER

**67 -
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Item 04 - 20/0540 - Fairfield Cottage, Wetheral, Carlisle, CA4 8HR

**81 -
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Schedule B – Applications Determined by Other Authorities

**91 -
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A.2 WHITE PAPER: PLANNING FOR THE FUTURE

**103 -
130**

The Corporate Director of Economic Development to submit a report which sets out the Council's response to the Government Consultation on the White Paper: Planning for the Future.
(Copy report ED.41/20 herewith)

PART B

To be considered when the Public and Press are excluded from the meeting

-NIL-

Members of the Development Control Committee

Conservative – Christian, Collier, Meller, Morton, Nedved, Shepherd, Mrs Bowman (sub), Mrs Finlayson (sub), Tarbitt (sub)

Labour – Birks, Brown, Mrs Glendinning (Vice Chair), Rodgerson, Miss Whalen, Alcroft (sub), Patrick (sub), Dr Tickner (sub)

Independent - Tinnion (Chair), Paton (sub)

Enquiries, requests for reports, background papers etc to:

Jacqui Issatt, Committee Clerk - jacqui.issatt@carlisle.gov.uk

To register a Right to Speak at the meeting contact DCRTS@carlisle.gov.uk

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 9 OCTOBER 2020 AT 10.00 AM

PRESENT: Councillor Tinnion (Chair), Alcroft (as substitute for Councillor Whalen), Birks, Christian, Glendinning, Meller, Morton, Nedved, Rodgerson (until 12:01pm), Shepherd and Tarbitt (as substitute for Councillor Collier).

ALSO

PRESENT: Councillor Ellis (in his capacity as Ward Member) attended in the meeting having registered a Right to Speak in respect of application 19/0905 - Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road) Carlisle.

Councillor Dr Davison (in her capacity as Ward Member) attended in the meeting having registered a Right to Speak in respect of application 19/0905 - Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road) Carlisle

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

DC.086/20 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Brown, Collier and Whalen.

DC.087/20 DECLARATIONS OF INTEREST

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

Councillor Birks declared a Disclosable Pecuniary Interest in respect of application 20/0537 – 2 Lyne Close, Carlisle, CA3 0EB. The interest related to her being the applicant.

All Members of the Committee declared an interest in respect of application 20/0537 – 2 Lyne Close, Carlisle, CA3 0EB. The interest related to the applicant being a member of the Development Control Committee.

Councillor Alcroft declared an interest in respect of application 20/0455 – 18 Maltmill House, Bridge Lane, Caldewgate, Carlisle, CA2 5SR. The interest related to objectors being known to her. Councillor Alcroft indicated that the interest was both personal and prejudicial and advised that she would not take part in the item of business.

Councillor Mrs Glendinning declared an interest in respect of application 20/0455 – 18 Maltmill House, Bridge Lane, Caldewgate, Carlisle, CA2 5SR. The interest related to objectors being known to her.

In relation to application 19/0905 - Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road) Carlisle, Councillor Alcroft advised that she had provided contact details to Sustainable Carlisle Network who were looking for an expert to provide advice. She gave them details for Cumbria Wildlife Trust, of which she was a member. She had not expressed a view nor decided how she intended to vote on the matter and retained an open mind. Councillor Alcroft indicated that she would take part in the item.

DC.088/20 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.089/20 MINUTES OF PREVIOUS MEETINGS

RESOLVED – That the minutes of the meetings held on 11 September and 7 October 2020 (site visits) be approved.

DC.090/20 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.091/20 CONTROL OF DEVELOPMENT AND ADVERTISING

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

1. Erection of 80no. Dwellings, Land at Deer Park (land between Kingmoor Industrial Estate and Saint Pierre Avenue, Kingmoor Road), Carlisle (Application 19/0905).

The Principal Planning Officer submitted the report on the application which had been subject of a virtual site visit by the Committee on 7 October 2020.

Slides were displayed on screen showing: location plan: application site boundary; as proposed site plan; proposed street scene schematics; landscape plan; footpath plans; Section 104 plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The existing Public Right of Way (PRoW) at the site was 270m long, a new PRoW of 420m long incorporating the permissive path at the northern end of the site, on Carlisle City Council land was proposed: the Section 106 agreement included £3,500 for improving the permissive path which would become a PRoW. The new route would be accessible from various locations along Kingmoor Road and the City Council's Green Spaces team were satisfied with the proposal, it had also been agreed by Cumbria County Council. Were the application to be approved, Carlisle City Council would carry out the work related to the diversion of the existing PRoW.

United Utilities had issued a holding response to the consultation on the application on 1 October 2020 whilst it established whether the proposed development would impact on its assets at the site – a surface water sewer and a combined sewer. The organisation confirmed, on 8 October 2020, that it had no objections to the proposal.

A late response had been received from the Council's Urban Design Officer which questioned the proposed materials (bricks and tiles) to be used. As shown in the report, condition 3 stated that the materials used shall be in accordance with the details contained in the application, however, the Principal Planning Officer suggested that it be amended to require the submission of materials for approval by the Local Planning Authority.

Further to the publication of the report, the Highway Authority had submitted a further response requiring the addition of three new conditions to cover the provision of visibility splays prior to the commencement of development: 60m for the main access, 43m for the emergency access and the 3 private driveways. The Principal Planning Officer recommended that they be included in any permission granted.

Additional letters of objection to the scheme had also been received following the publication of the report. The Principal Planning Officer summarised the issues in the correspondence for the benefit of Members.

During the Committee's virtual site visit, a number of issues were raised which the Principal Planning Officer addressed:

- All the relevant surveys had been undertaken in relation to protected species including – Phase 1 habitat survey, plus additional surveys for bats, red squirrel and great crested newts. Natural England had been consulted and had raised no objections to the proposal subject to conditions.
- Protected trees were largely to be retained, 4 were to be removed due to poor health/ low quality. All the lime trees at the site would be retained, a Method Statement had been submitted for any works within the Root Protection Areas of the retained trees.
- In relation to the Direct Rail Services site (DRS), the railway was over 130m away from the site and the DRS depot being at a further distance. The Nature Reserve lying between the site and the railway would act as a buffer. It was not anticipated that noise and pollution from DRS would affect the site, the Principal Planning Officer noted that there were existing dwellings closer to the DRS site.
- The proposed crossing would be at northern end of site near the existing permissive footpath and would consist of dropped kerbs on both sides of the road. Concerns had been raised about poor visibility, however, the removal of hedges and construction of a 3m footway would improve visibility.

In relation to education, the Section 106 required a developer contribution of £508,000 for primary and secondary school provision. The Principal Planning Officer had sought clarification from Cumbria County Council about education which he summarised. There was currently some capacity available in the catchment area though only in the short term. The intention was to increase capacity as soon as possible by providing a school at Windsor Way as part of the long-term solution for North Carlisle. However, that could only be clarified once Story Homes had made clear its intentions in relation to the delivery of a school at Crindledyke. It was therefore not possible to state when a potential school at Windsor Way would be ready as it was dependent on when development will come forward and the securing of Section 106 monies through the realisation of appropriate triggers within the agreement. The build would not commence until full funding was secured.

Taking into account the birth rate and the housing targets in the Carlisle District Local Plan 2015 – 30, the County Council projected that there were insufficient places across all Carlisle secondary schools, including those located at Brampton and Dalston, which have previously acted as a 'pressure valve' for the City. Discussions were ongoing with the secondary schools in

relation to what solution would be deployed to ensure sufficient capacity. Three schools had declared an interest in expansion: William Howard, Morton and Caldew, with further discussions taking place as to the various options available.

In conclusion, the Principal Planning Officer recommended that:

- 1) The application be approved with conditions, subject to the completion of a Section 106 legal agreement to secure:
 - a) the provision of 20% of the units as affordable (in accordance with the NPPF definition);
 - b) and off-site open space contribution of £22,364 for the upgrading and maintenance of open space;
 - c) a financial contribution of £27,409 to support off-site maintenance and improvement of existing play area provision;
 - d) a financial contribution of £15,561 to support the off-site improvement of existing sports pitches;
 - e) a financial contribution of £3,500 to upgrade the footpath north of the site (which is to become a PROW);
 - f) the maintenance of an informal open space within the site by the developer;
 - g) a financial contribution of £508,596 to Cumbria County Council towards education provision (£213,948 for infant and junior places and £294,648 for secondary school places);
- 2) That condition 3 be amended to require details of the materials to be used be submitted to the Local Planning Authority for approval.
- 3) That conditions be added requiring the details of the following visibility splays be provided to the Local Planning Authority for approval: for the main access, for the 3 driveways onto Kingmoor Road and for the emergency access.
- 4) That should the legal agreement not be completed, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

Ms Godley (Objector) spoke against the application in the following terms: road and pedestrian safety, Kingmoor Road was narrow with poor parking; the location of the proposed crossing was not near local amenities; no traffic plans were in place; the development would generate a further 160 cars in the area; it was not possible for buses to enter the site which was contrary to the Local Plan; the Local Plan stated that developments which cause serious issues that cannot be mitigated would not be permitted; Deer Park field was an essential community asset, the proposal was contrary to the Local Plan and the Council's Green Strategy.

Mr Stordy (Objector) spoke against the application in the following terms: SUDS were designed to deal with flooding, only if their capacity was not exceeded; the submitted Flood Risk Assessment showed peak flood rates of surface water as 19litres/second and clay soils which would be the basis for the micro-drainage and hydro-brake calculations; the Geo-environmental Appraisal carried out by Sirius Geotechnical indicated loamy, easy drain soils to the west of the site with a peak flow rate of 9.41litres/second; water infiltration had occurred in 15 of the bore holes used in the Geo-environmental Appraisal due to various sandy soil conditions; the flow rate indicated by the Geo-technical Appraisal would result in surface water run-off exceeding the capacity of the development in a 1 in 1 year, 1 in 30 year and 1 in 100 year storm event, including the 40% allowance for climate change; the drainage proposal did not meet the Non-Statutory Technical Standards for Sustainable Drainage Systems or sewers for adoption; due to infiltration

not being a feasible method for managing surface water at the site, the run-off would need to discharge into United Utilities piping leading to the attenuation pond, Mr Stordy was not aware of any calculations having been undertaken to assess the impact of an event where peak flow rates were exceeded, but considered that it would impact Kingmoor Sidings where Great Crested Newts had been found.

Ms Duncan (Objector) spoke against the application in the following terms: Deer Park Field was a valued local amenity which benefitted the health and wellbeing of many residents; it was currently an easily accessible site, the loss of the path would adversely impact that; residents in Balmoral Court would be impacted by increased noise and traffic; the cumulative impact of development in the area was significant and would be further impacted by the expansion of activities at the nearby DRS site to 24 hours; the proposal to divert the existing PRoW would increase the distance to access the Nature Reserve; the development was too close to specimens of mature trees some of which were subject of Tree Preservation Order; the proposed translocation of Marsh Orchids was not appropriate as the new location would not be suitable for the species; the proposal offered no gain to the community.

Ms Black (Objector) spoke against the application in the following terms: there was not sufficient school provision in the area to support the development; following the closure of Belah School in 2009/10, 1,900 houses had been given permission for development in the north of the city, but no replacement school had been constructed; other permitted developments (Crinkledyke and Windsor Way) had contributed monies to education provision, but no additional school had been provided.

Cllr Ellis (Ward Member) addressed the Committee in the following terms: the scale of the development was significant and would exacerbate the adverse road safety conditions on Kingmoor Road; there was no way of including the 3m footpath/cycleway near Glen Eagles Drive without the removal of the hedge and a number of trees protected by Tree Preservation Order; school provision in the area was not adequate to meet the needs of the development, Cumbria County Council needed to state what its plans were in relation to the issue; PRoW 109397 must be protected and retained as part of the development, as stipulated in the Local Plan.

Cllr Dr Davison (Ward Member) addressed the Committee in the following terms: she objected to the development on behalf of local residents who had identified the following concerns – traffic, road safety, the need for a proper highways assessment, lack of school capacity, lack of facilities to support walking/cycling to school, noise and fumes from the DRS site; the adequacy of the drainage proposal; the impact of the proposed drainage system on the Nature Reserve; the translocation of Marsh Orchids would endanger their survival; Paragraph 6.43 of the report noted that the scheme provided an open space shortfall of 45%, the links to other open space areas were not sufficient mitigation; the scheme was contrary to policies GI 4 – Open Space, SP 8 – Green and Blue Infrastructure, and Paragraph 173 of the National Planning Policy Framework (NPPF); the development would have a negative impact on the range of biodiversity in the adjacent Nature Reserves, and proposed mitigation measures were not sufficient to lead to a gain; open spaces were vital to peoples' wellbeing.

Mr Wright (Applicant) responded in the following terms:

- PRoW route – Slides were displayed on screen showing: plan of the existing route and proposed diversion route, and the landscaping plan. The diverted route had been put together in conjunction with Cumbria County Council's Public Right of Way Officer who had a duty to the Council to advise on such matters. The proposed diversion route had been selected to utilise green space, protect trees provide an attractive way through the site and

be push/wheelchair accessible. Two connection points from the path to the Nature Reserve had originally been included but had been removed at the request of Carlisle City Council to help with the management of the space. It had not been the Council's intention to retain the PRoW as to do so would reduce the dwelling yield at the site thereby reducing its viability.

- Ecology – Paragraph 6.59 – 6.81 of the Officer's report covered the issue in detail. Natural England were a Statutory Consultee and had indicated no objection to the proposals. Moreover, developers were required to comply with the stipulations of the NPPF in respect of ecology and any works undertaken had to accord with agreed national standards. The proposed attenuation pond would provide additional habitat for wildlife, and Mr Wright advised that the applicant was keen to retain as many species as possible. In relation to the translocation of Marsh Orchids, the applicant's ecologist and landscape architect both confirmed that moving the plants was feasible and that the proposed new location was acceptable.
- Drainage – there were various constraints at the site, the Lead Local Flood Authority preferred not to use underground storage methods, as such the SUDS pond had been included in the scheme as it was sustainable and would increase biodiversity. Both United Utilities and the Lead Local Flood Authority had indicated that they were satisfied with the drainage proposals.
- Education – the current situation with respect to school provision was acknowledged. The Section 106 contributions from this development, along with another scheme in the city provided by the developer meant it had contributed £1.4M to Cumbria County Council for school provision in the district.
- Highway Safety – the design had been developed in response to discussions with the Highway Authority and included visibility splays at the access which exceeded the stipulated requirements. The submitted Transport Statement demonstrated that Kingmoor Road had sufficient capacity to cope with the additional traffic generated by the scheme. A number of objectors to the application had suggested that the traffic assessment had been undertaken at a time when part of the local road network had been closed. Mr Wright stated that was not the case and noted that a further modelling exercise where traffic volume had been increased by 300%. The exercise showed even at that level of capacity, the road network was able to cope.

In addition to the objections submitted, a number of residents had expressed support for the development through social media platforms, and a number of requests to reserve a plot had already been received. Mr Wright provided an overview of the applicant and the plans for the development site.

The Committee then gave consideration to the application.

Councillor Alcroft, having heard in the Officer's presentation Cumbria Wildlife Trust had objected to the proposal, declared a Registerable Interest in respect of the application as she was a member of the organisation. She indicated that she would now not take part in the discussion or voting on the application.

In response to questions from Members, Officers confirmed:

- The government's definition of affordable housing, contained in the NPPF, had been amended in July 2018 to refer to houses sold at 20% below the market value. There were 26 dwellings on the site which complied with that definition. However, the applicant was a low-cost homes developer and their properties were priced accordingly;
- The standard appraisal of the drainage proposals had been carried out by the Lead Local Flood Authority. In relation to the soil type identified in the Geo-environmental, that was at

the topsoil level only, the subsoil was primarily clay which testing had indicated was not appropriate for infiltration, thus the overall run-off rate at the site was 19litres/second. There were a number of trees at the site which provided a safety factor, there were also a number of green areas within the site which would soak up surface water with run-off only coming from hardstanding areas. United Utilities considered the drainage proposal acceptable.

- Highways – The visibility splay for a junction in a 30mph zone was only required to be 43m, a greater distance had been requested by the Highway Authority and the applicant had agreed to provide 60m splays. This request had been made following the production of the report hence the additional conditions recommended by the Principal Planning Officer.
- Crossings – the northern crossing would have increased visibility due to the 3m foot/cyclepath to be provided. The southern crossing would be dealt with via a Section 78 agreement which involved a number of safety audits.
- A condition had been included to ensure that lighting provided at the site would not impact on the wildlife at the Nature Reserve.

Councillor Shepherd, having briefly lost connection to the virtual meeting and missing a section of the discussion advised that he would not take any part in the debate or voting on the item.

Turning to the issue of school provision in the north of the city, a number of Members expressed significant concerns regarding the lack of capacity in existing schools and no information on the creation of a new school. Given the level of development permitted in the north of the city in recent years it was considered that the school situation needed urgently clarifying and action taken to rectify the issue to ensure that those occupying new developments had access to appropriate education provision.

The Development Manager advised that Story Homes had, earlier in 2020, carried out a public consultation regarding Crinkledyke development and the potential for a new school. The work on their application had been delayed due to the pandemic, however, a planning application for the site was expected to be submitted in the near future.

The Corporate Director noted that the issue had been a concern for the Committee for a number of years, she undertook to meet with Officers from Cumbria County Council to discuss the matter.

Councillor Tarbitt declared she was a member of Cumbria County Council and had responsibility for children and young people, she stated that she would abstain from the deferral vote.

A Member moved determination of the proposal be deferred in order that the Committee could be provided with a clear indication of the timing of primary school provision north of the river. The proposal was seconded and following voting it was:

RESOLVED: 1) That determination of the proposal be deferred in order that the Committee could be provided with a clear indication of the timing of primary school provision north of the river.

2) That the Corporate Director of Economic Development pursue this matter with the County Council.

Councillor Rodgers left the meeting at 12:01pm

2. Change of Use from former student flat to gym with minor alterations, 18 Maltmill House Bridge Lane, Caldewgate, Carlisle, CA2 5SR (Application 20/0445).

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

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

The application was supported by a Sequential Test which demonstrated that this was the most sequentially preferable site from the city centre. The principle of development was acceptable and would not adversely affect the vitality and viability of city centre. There was appropriate vehicular access to the site and parking within the site. The development was accessible by alternative means of transport and did not raise any highway issues, subject to the imposition of conditions which primarily limits the use of the access to the rear of the site onto Caldew Maltings.

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 development proposed a further two car parking spaces in addition to those already present at the site which the Highway Authority had deemed acceptable. Given the site's location there were other car parks in the vicinity as well as public transport links
- The site access was existing and the small scale of proposed development was such that it would not significantly increase vehicle traffic movements.

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

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

3. Erection of single storey side/rear extension to provide extended kitchen, utility and WC, 2 Lyne Close, Carlisle, CA3 0EB (Application 20/0537)

Councillor Birks, having declared a Disclosable Pecuniary Interest in the item, left the meeting and 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: location plan; block plan; existing plan; existing elevation; proposed plan; proposed elevations, 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 application be approved, subject to the implementation of relevant conditions as indicated on the Schedule of Decision attached to these minutes.

The meeting adjourned at 12:20pm and reconvened at 2:00pm

4. Variation of Condition 2 (Approved Documents) of Previously Approved application 18/0388 (Proposed new vehicle and pedestrian entrance) to amend alignment of the boundary wall (Part Retrospective), Land adjacent Geltsdale Avenue, Durranhill, Carlisle, CA1 2RL (Application 20/0433).

The Planning Officer submitted the report on the application. Slides were displayed on screen showing: proposed new vehicle entrance, proposed new vehicle entrance walls, and photographs of the site, an explanation of which was provided for the benefit of Members.

The principle of the access had been approved following the grant of planning permission by the Planning Inspectorate, Cumbria County Council as the Local Highway Authority raised no objection to this application subject to the imposition of conditions. A condition was included within the Decision Notice addressing the issue of the height of the wall requiring that it be lowered. The matter of the Stage 3 Road Safety Audit was assessed in paragraphs 6.13 to 6.15 of the report, the Planning Officer advised Members to be mindful that such a condition was not imposed by the Planning Inspectorate.

Subject to the imposition of a condition requiring the reduction of the height of the wall within the visibility splay, the proposal was considered to be compliant with the relevant planning policies and the Planning Officer recommended it for approval.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- The provision of curved walls at the entrance was not in accordance with that approved as part of the original application which had stipulated a stepped alignment. However, the entrance had had been approved by the Planning Inspectorate;
- Following reports of roads planings being dumped at the site the Council's Planning/Landscapes Compliance and Enforcement Officer in conjunction with Cumbria County Council undertook work in relation to the allegations and it was understood that the matter had been resolved;
- Including a condition in the Planning Consent to require a Stage 3 Road Safety Audit did not meet the test for the imposition of a condition and thus had not been included;
- Condition 8 required the applicant to lower the height of the access wall to 1.05m prior to use and within 3 months of the granting of permission.

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

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

[The meeting closed at 2:14pm]

Development Control Committee Main Schedule

Schedule of Applications for Planning Permission

06th November 2020

The Schedule of Applications

This schedule is set out in five parts:

SCHEDULE A – Applications to be determined by the City Council. This schedule contains full reports on each application proposal and concludes with a recommendation to the Development Control Committee to assist in the formal determination of the proposal or, in certain cases, to assist Members to formulate the City Council's observations on particular kinds of planning submissions. Officer recommendations are made, and the Committee's decisions must be based upon, the provisions of the Development Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004

<http://www.legislation.gov.uk/ukpga/2004/5/contents> unless material considerations indicate otherwise.

In order to reach a recommendation the reports have been prepared having taken into account the following background papers:-

- relevant planning policy advice contained in Government Circulars, National Planning Policy Framework, [https://www.gov.uk/government/publications/national-planning-policy-frame work--2](https://www.gov.uk/government/publications/national-planning-policy-frame-work--2),
 - Planning Practice Guidance <http://planningguidance.planningportal.gov.uk/> and other Statements of Ministerial Policy;
 - Carlisle District Local Plan 2015-2030 <http://www.carlisle.gov.uk/planning-policy/Local-Plan/Carlisle-District-Local-Plan-2015-2030> ;
 - Conservation Principles, Policies and Guidance – <https://historicengland.org.uk/advice/constructive-conservation/conservation-principles/>
 - Enabling Development and the Conservation of Significant Places <https://historicengland.org.uk/images-books/publications/enabling-development-and-the-conservation-of-significant-places/>
- Flood risk assessments: climate change allowances
<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

- Consultee responses and representations to each application;
<http://publicaccess.carlisle.gov.uk/online-applications/>
- Cumbria Landscape Character Guidance and Toolkit
<http://www.cumbria.gov.uk/planning-environment/countryside/countryside-landscape/land/landcharacter.asp>
- Natural Environment and Rural Communities Act (2006)
<http://www.legislation.gov.uk/ukpga/2006/16/contents>
- Wildlife and Countryside Act 1981 <http://www.legislation.gov.uk/ukpga/1981/69>
- Community Infrastructure Levy Regulations 2010
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>
- EC Habitats Directive (92/43/EEC)
http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm
- Equality Act 2010
http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf
- Manual For Streets 2007
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf
- Condition 2 of each application details the relevant application documents

SCHEDULE B – Applications determined by other authorities. This schedule provides details of the decisions taken by other authorities in respect of those applications determined by that Authority and upon which this Council has previously made observations.

The officer recommendations made in respect of applications included in the Schedule are intended to focus debate and discussions on the planning issues engendered and to guide Members to a decision based on the relevant planning considerations. The recommendations should not therefore be interpreted as an intention to restrict the Committee's discretion to attach greater weight to any planning issue when formulating their decision or observations on a proposal.

If you are in doubt about any of the information or background material referred to in the Schedule you should contact the Development Management Team of the Planning

Services section of the Economic Development Directorate.

This Schedule of Applications contains reports produced by the Department up to the 22/10/2020 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 06/11/2020.

Any relevant correspondence or further information received subsequent to the printing of this document will be incorporated in a Supplementary Schedule which will be distributed to Members of the Committee 5 working days prior to the day of the meeting.

Applications Entered on Development Control Committee Schedule

No.	Application Item Number/ Schedule	Location	Case Page Officer No.
01.	<u>20/0567</u> A	Dalston Hall Caravan Park, Dalston, Carlisle, CA5 7JX	<u>BP</u>
02.	<u>20/0245</u> A	4-14 Victoria Place, Carlisle, CA1 1ER	<u>RJM</u>
03.	<u>20/0246</u> A	4-14 Victoria Place, Carlisle, CA1 1ER	<u>RJM</u>
04.	<u>20/0540</u> A	Fairfield Cottage, Wetheral, Carlisle, CA4 8HR	<u>AC</u>
05.	<u>19/0883</u> B	Kirkclodge, Allenwood, Heads Nook, Brampton, CA8 9AA	<u>AC</u>
06.	<u>20/9007</u> B	Norman Street School, Norman Street, Carlisle, CA1 2BQ	<u>SO</u>

SCHEDULE A

Applications to be
determined by the
City Council.

SCHEDULE A

SCHEDULE A: Applications with Recommendation

20/0567

Item No: 01

Date of Committee: 06/11/2020

Appn Ref No:
20/0567

Applicant:
Dalston Hall Holiday Park

Parish:
Dalston

Agent:
Lambe Planning and
Design Ltd

Ward:
Dalston & Burgh

Location: Dalston Hall Caravan Park, Dalston, Carlisle, CA5 7JX

Proposal: Use of Existing Touring Site For The Stationing Of 44 Static Holiday Caravans In Lieu of Consented 71 Touring Stances (51 Touring Caravan and 20 Tent Pitches) Together With the Demolition Of Existing Amenity Block

Date of Receipt:
26/08/2020

Statutory Expiry Date
21/10/2020

26 Week Determination

REPORT

Case Officer: Barbara Percival

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of the proposal on the Grade II* Listed Building
- 2.3 Impact of the proposal on the Scheduled Monument
- 2.4 Impact of the proposal on the landscape character of the area
- 2.5 Impact of the proposal on the living conditions of neighbouring residents
- 2.6 Proposed drainage methods
- 2.7 Impact of the proposal on highway safety
- 2.8 Impact of the proposal on biodiversity
- 2.9 Other Matters

3. Application Details

The Site

- 3.1 Dalston Hall Caravan Park is located 60-80 metres to the north-east of Dalston Hall Hotel on the eastern side of the B5299 Carlisle to Dalston road. Access to the application site is via an un-adopted access lane off the county highway which also affords vehicular access to Dalston Hall Hotel and Holly Lodge, a private residential property located at the entrance to the access lane.
- 3.2 Views of the caravan site as a whole are limited due to existing hedgerow and mature trees. The application site, subject of this application is centrally located within the caravan site, enclosed by belts of mature trees and hedges with further landscaping proposed within the application site. Each of the holiday units would be served by its own parking spaces adjacent to the holiday units.

The Proposal

- 3.3 The application seeks full planning permission for the use of existing touring site for the stationing of 44 static holiday caravans in lieu of consented 71 touring stances (51 touring caravan and 20 tent pitches) together with the demolition of existing amenity block.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of two neighbouring properties and the posting of site and press notices. In response, one representation of comment has been received.
- 4.2 The representation identifies the following issues:
1. 'Agent of Change' principle is such that the onus is on the applicant to ensure that the proposed caravans incorporate appropriate measures to mitigate the alleged noise disturbance from activities taking place at Dalston Hall Hotel. Respectfully request that the applicant informs prospective purchasers or occupiers of the caravans of the fact that Dalston Hall Hotel is an events venue as this appears to be a factor that has contributed to complaints having been received against activities at Dalston Hall Hotel;
 2. application should be accompanied by a Heritage Impact Assessment in order to determine the impact of the proposal on the adjacent Dalston Hall Hotel;
 3. would object to any future development beyond the sites established boundaries.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections;

Dalston Parish Council: - feel it is a retrograde step to lose the touring caravan/tent pitch facility which has been valued by visitors for many years. If

the amenity block is demolished it will close the door on their ability to take touring caravan/tent pitches in the future. The PC are not in favour of losing this facility;

Cumbria Constabulary - North Area Community Safety Unit: - no observations or comments to offer in respect of this proposal;

Local Environment - Environmental Protection: - if planning permission was granted a revised site licence would need to be issued. All units must be a minimum of 6 metres apart. Fire equipment must be located not less than 30 metres from any pitch.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policies SP2, SP6, EC9, EC10, EC11, IP2, IP6, CC5, CM5, HE2, HE3, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The Cumbria Landscape Character Guidance and Toolkit (March 2011), Historic England's document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)' and Dalston Parish Neighbourhood Plan 2015-2030 (DPNP) are also material planning considerations.
- 6.3 The proposal raises the following planning issues:

1. Principle of Development

- 6.4 Paragraph 7 of the NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraphs 8 and 9 explaining that achieving sustainable development means that the planning systems has three overarching objectives: economic, social and environmental. All of which are interdependent and need to be pursued in mutually supportive ways. Economic growth can secure higher social and environmental standards with planning decisions playing an active role in guiding development towards solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.5 To support a prosperous rural economy, paragraph 83 outlines that planning policies and decisions should enable: *"a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c)*

sustainable rural tourism and leisure developments which respect the character of the countryside; and d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship".

- 6.6 Paragraph 84 recognises that: *"sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist".*
- 6.7 The aforementioned paragraphs of the NPPF are reiterated in Policies EC9, EC10 and EC11 of the local plan all of which seek to support sustainable rural tourism and leisure developments where they respect the character of the countryside and where identified needs are not met by existing facilities in rural services centres. Specifically, in relation to caravan, camping and chalet sites, Policy EC10 of the local plan highlights that proposals for the development of caravan sites and the extension of caravan sites will be supported subject to compliance with the criteria identified within the policy.
- 6.8 The Dalston Parish Neighbourhood Plan 2015-2030 does not contain a specific policy in respect of tourism proposals, however; in its vision statement it outlines: *"This Plan aims to protect the rural environment and unique character of the Parish; to enhance the strong community spirit while encouraging the area to have a thriving and sustainable future. To do this, the Plan seeks to manage housing development, protect and promote businesses, support the farming community and to encourage tourism".* Criterion 7 of its Strategic Objectives stating: *"To support the local economy through its existing businesses, by encouraging new enterprises and facilities which enhance commercial effectiveness and employment opportunities".* In respect of jobs and the economy the neighbour plan highlights: *"historically this has always been a working Parish, with a recent, gradual increase in tourism. Tourism is an important industry throughout Cumbria and this Parish has much to offer by way of beautiful pastoral scenery ... there are two small campsites, some holiday cottages, Dalston Hall Hotel, but a great dearth of Bed and Breakfast accommodation which is much sought after".*
- 6.9 Prior to the current pandemic, tourism bodies annual statistics highlighted the value of tourism to the British economy through visitor spending and employment opportunities. Figures also detailed how the nature of holidays in the UK was increasingly diverse, with holiday makers going away several times a year, often for short breaks and not exclusively in the summer months.
- 6.10 The application seeks full planning permission for the use of an existing

touring site for the stationing of 44 static holiday units in lieu of the consented 71 touring stances (51 touring caravan/20 tent pitches) together with the demolition of an amenity block at Dalston Hall Caravan Park.

- 6.11 Dalston Parish Council has been consulted on the application and raise objections to the loss of the touring caravan site. The parish council citing that it would be: *"a retrograde step to loose the touring caravan/tent pitch facility which has been valued by visitors for many years. If the amenity block is demolished it will close the door on their ability to take touring caravans/tent pitches in the future ... "*.
- 6.12 In light of the views of the parish council, supporting justification for the proposal has been provided by the Agent. The supporting justification has been reproduced in full for Members within the committee papers. The agent concludes, however; *"In summary, the change from Touring/Tenting to Holiday Caravans is merely an existing tourism business reacting to market trends and requirements and providing a significantly improved standard of all year-round holiday accommodation. Such as facility has been specifically requested by existing touring unit holiday makers at the Park. This proposal will have material and beneficial impacts upon the local rural economy, local employment and other attractions and facilities in the region who rely on the tourism industry. The proposal will also assist in preventing the in-continuity of seasonal jobs and income"*.
- 6.13 The use of the application site for static holiday units in lieu of touring caravans and tents would provide an opportunity to extend the season on this part of the caravan park and help to strengthen the existing business and allow it to compete with other caravan parks within the District and UK. Should Members approve the application, conditions are recommended to restrict the holiday unit subject of this application solely for holiday use and not as permanent residential accommodation. A further condition is also recommended that would require the owners/operators of the site to maintain an up-to-date register of the names of all owners/occupiers of the individual caravans on the site, and of their main home addresses. This register would then have to be made available for inspection by Officers of the Council to ensure compliance with the existing and recommended conditions. These conditions are in line with another parts of Dalston Hall Caravan Park, other year round opening of caravan sites granted approval within our District, local planning authorities within the UK and by the Planning Inspectorate.
- 6.14 The views of the parish council are respected with the loss of the touring facility acknowledged; however, the proposal would be an expansion of an existing sustainable rural tourism business, thereby, ensuring the continued viability of the enterprise. The application site is well related to the existing caravan park as a whole with additional landscaping proposed to minimise any perceived visual impact. Adequate access and parking provision can also be achieved to serve each of the holiday units. Accordingly, the proposal accords with the objectives of the NPPF, relevant local plan policies and the Dalston Parish Neighbourhood Plan 2015-2030.

2. Impact Of The Proposal On The Grade II* Listed Building

- 6.15 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of local planning authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that:
- "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".*
- 6.16 Accordingly, Members must give considerable importance and weight to the desirability of preserving the adjacent Dalston Hall Hotel, a Grade II* listed building and its setting when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.17 Protecting and enhancing the historic environment is also an important component of the NPPF drive to achieve sustainable development. Paragraph 184 highlights that: *"heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".*
- 6.18 Paragraph 189 of the NPPF outlines that: *"in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation".*
- 6.19 Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Local planning authorities should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.20 In considering potential impacts on heritage assets, paragraph 194 of the NPPF detailing that: *"any harm to, or loss of, the significance of a designated*

heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification ... "

6.21 The aims of Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF are reiterated at a local level. Policy HE3 of the local plan seeking to ensure that listed buildings and their settings are preserved and enhanced. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the harm.

6.22 In light of the foregoing, Members need to have cognizance of: a) the significance of the adjacent Grade II* listed building and the contribution made by its setting; and then assess b) the effect of the proposal on the Grade II* listed building and its setting (inclusive of its significance and on the appreciation of that significance).

a) the significance of the adjacent Grade II* listed building and the contribution made by its setting

6.23 The southern periphery of the application site is located approximately 87 metres north of the northern corner of Dalston Hall Hotel. As previously outlined, Dalston Hall Hotel is a Grade II* Listed Building. By way of background, as of 2016, there were over 374,000 listed buildings within England which are categorised as Grade I, Grade II* and Grade II. Grade I are of exceptional interest, sometimes considered to be internationally important, only 2.5% of Listed Buildings are Grade I. Grade II* Buildings are particularly important buildings of more than special interest, 5.8% of listed buildings are Grade II*. The final tier of Listed Buildings are Grade II buildings are of special interest; 91.7% of all listed buildings are in this class and it is the most likely grade of listing for a home owner. However, in January of this year, Historic England updated its website with the following statement: *"surprisingly the total number of listed buildings is not known, as one single entry on the National Heritage List for England (NHLE) can sometimes cover a number of individual units, such as a row of terraced houses. However, we estimate that there are around 500,000 listed buildings on the NHLE"*.

6.24 Dalston Hall Hotel was listed by English Heritage as a Grade II* Listed Building in 1984. The listing details are as follows:

"Fortified house now hotel. Mid or late C15, dated by inscription below parapet: JOHN DALLSTON ELSABET MI WYF MAD YS BYLDYNG. West wing c1556 for Sir John Dalston, with central block of c1620; late C17 alterations and further extensions, dated 1899 on lead rainwater heads, by C.J Ferguson for E.W Stead. Large blocks of red and calciferous sandstone. Flat lead roofs on towers; graduated green slate roofs on wings, ashlar chimney stacks. 3-storey C15 tower to right; 4-storey C16 tower to left, linked together by C16 wings and C19 extension to rear. Early tower has extremely thick walls on chamfered plinth with string courses and battlemented parapet. Angel stair turret projecting above parapet has 4 C15 carved shields of arms of the Kirkbride and Dalston families. 2-light stone mullioned windows with

rounded headed in round arch. Interior: stone vaulted basement, now library. Newel Staircase for full 3 storeys to roof. Ground floor inner yett of iron is C15. Bedroom above has mural recess: former fireplace cut through to form bathroom. Wing to left has plank door in roll-moulded architrave. 2- and 3-light stone mullioned windows in roll-moulded architraves. Roll-moulded cornice has cannon-like water spouts. Battlemented tower to left with similar 2- and 3-light windows. Side wall to right has corbelled-out semicircular stair turret from first floor to roof. C19 extensions have stone mullioned windows imitating the earlier work. C20 extension to extreme right is not of interest. Interior of C16 wing was extensively altered by C J Ferguson in Arts and Crafts style; banqueting hall inglenook with firehood of pewter dated 1900 with initials E.W.S. Ground floor room on extreme left has fireplace with William de Morgan tiles".

6.25 The importance of Dalston Hall as an example of an historic former fortified building is further referenced in "The Medieval Fortified Buildings of Cumbria" (Perriam and Robinson, 1998).

6.26 Dalston Hall is a visually impressive and historic Grade II* listed building that has part of its landscaped garden surviving but the re-alignment of the drive altered much of this. The Hall has a woodland setting although the topography of the surrounding land is undulating resulting in the Hall and associated gardens nestling into the landscape such that the ground and first floor views from the building are predominantly to the east and towards Dalston. The views from the fifteenth and sixteenth century towers are naturally more extensive although those towards the River Caldew are obscured by the existing trees and topography. When viewing the property there is an overriding sense that the contribution made by the setting has changed over the years from its origins as a fortified house, with the consequent need to view all surroundings, to the work carried out in the nineteenth century with the aspect of the landscaped garden achieving a greater significance. A marquee has also been erected within the grounds which Members gave temporary permission for its retention at the Development Control meeting on the 14th February 2020 (application reference 19/0243).

b) the effect of the proposal on the Grade II* listed building and its setting

6.27 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjacent listed building and its setting when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).

6.28 Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Local planning authorities should take this into account when considering the

impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 6.29 When considering potential impacts of a proposed developments on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 193 of NPPF).
- 6.30 Historic England has produced a document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)' (TSHA). The document sets out guidance, against the background of the NPPF and the related guidance given in the PPG, on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes.
- 6.31 The TSHA document details the definition of the setting of a heritage asset as that contained within Annex 2: Glossary of the NPPF as: *"the surroundings in which heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*. The document acknowledging that conserving or enhancing heritage assets by taking their settings into account need not prevent change and recommends a staged approach to proportionate decision taking.
- 6.32 As highlighted earlier in the report, Dalston Hall is a visually impressive and historic Grade II* listed building. The Hall has a woodland setting although the topography of the surrounding land is undulating resulting in the Hall and associated gardens nestling into the landscape such that the ground and first floor views from the building are predominantly to the east and towards Dalston. The views from the fifteenth and sixteenth century towers are naturally more extensive although those towards the River Caldw are obscured by the existing trees and topography. In respect of the setting of the building this has evolved over the years through its use as a hotel. Works include the re-alignment of the driveway, formation of car parking, nineteenth century extensions together with the retention of a marquee.
- 6.33 When considering the immediate setting of Dalston Hall Hotel, the topography of the surrounding area is such that the property is located at a lower level than that of the application site. When within the grounds of Dalston Hall itself (excluding the eastern end of the car park) there are no views of the caravan park due to the lower ground level, the existing boundary treatments and mature landscaping. From the eastern end of the car park, which also provides an alternative route to the retained marquee, there are views of part of the caravan park.
- 6.34 In respect of the views from the fifteenth and sixteenth century towers and their associated battlements, access and viewing by the public is restricted not only physically but also because previously the proprietor had advised

that he insists on a member of staff being present. However, it needs to be acknowledged that the significance of such a heritage asset is not necessarily dependent upon their being an ability to experience the setting in question. From both towers, to varying degrees, there are direct views of the caravan park. The current proposal does not affect the existing wood, nor the remaining views such as the landscaped garden and views towards Dalston.

- 6.35 The proposal seeks the use of an existing touring site for the stationing of 44 static holiday units together with the demolition of an amenity block. The proposal would reduce the amount of holiday stances within the area with additional landscaping also proposed. In respect of the wider context of the setting of Dalston Hall Hotel, although sections of the caravan park are visible from the B5299 when travelling from Carlisle towards Dalston, Dalston Hall Hotel and its grounds together with the application site are screened by mature trees and hedgerows. Public Footpath 114018 follows the railway line located approximately 280 metres to the east of Dalston Hall; however, any views of Dalston Hall are again restricted due to the topography of the land and existing landscaping. Views from the caravan park are already constrained by existing landscaping and a 2.8 metre high brick wall.
- 6.36 In summary, Dalston Hall is a Grade II* Listed Building that has a woodland setting although the topography of the surrounding land is undulating resulting in the property with its associated gardens nestling into the landscape. There is an overriding sense that the contribution made by the setting has changed over the years from its origins as a fortified house, with the consequent need to view all surroundings, to the work carried out in the nineteenth century, the retention of the marquee with the aspect of the landscaped garden and the views towards Dalston latterly appearing to have a greater significance. The importance of its setting, however; throughout the history of the building should be given equal significance. When considering the degree to which the proposed changes enhance or detract from that significance, and the ability to appreciate that asset, the current proposal does neither alter the existing landscaping nor affect the views of the landscaped garden and towards Dalston. In the case of the two towers the proposal would have a less than substantial harm given the application site's existing use as a touring caravan site and that the holiday units would be finished in a pallet of muted environmental colours in keeping with the caravan park as a whole.
- 6.37 A planning consultant acting on behalf of a third party questions the accuracy of the information contained within the Design and Access Statement as reference is made to Dalston Hall Hotel being a Grade II Listed Building when it is a Grade II* Listed Building. He is also of the opinion that a separate Heritage Statement to assess the impact of the proposal on the heritage asset should be submitted. The PPG provides guidance in this respect, detailing that Design and Access Statements are required to accompany certain applications for planning permission and applications for listed building consent. In cases where both a Design and Access Statement and an assessment of the impact of a proposal on a heritage asset are required, applicants can avoid unnecessary duplication and demonstrate how the proposal has responded to the historic environment through including the

necessary heritage assessment as part of the Design and Access Statement. Furthermore, paragraph 189 of the NPPF advises that: *"the level of details should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance"*.

- 6.38 The views of the planning consultant are noted, however; the setting of the Grade II* listed building and its setting has been fully discussed in the preceding paragraphs and has been found that the proposal would have a less than substantial impact on the adjacent heritage asset or its setting.

3. Impact Of The Proposal On The Scheduled Monument

- 6.39 The NPPF and local plan recognises the heritage assets are an irreplaceable resource. The overriding objective of Policy HE2 is to ensure that heritage assets are preserved in perpetuity.
- 6.40 Bishop' Dyke a Scheduled Monument is located along the northern boundary of the caravan park with an existing row of static holiday units separating the application site from the scheduled monument. Cumbria County Council has been consulted and raise no objections to the proposal as it considers the proposal does not raise any archaeological issues. Given the existing use of the application site together with the existing intervening holiday units, the proposal would not have a detrimental impact on the scheduled monument.

4. Impact Of The Proposal On The Landscape Character Of The Area

- 6.41 The Cumbria Landscape Character Guidance and Toolkit (March 2011) identifies that the site falls within the Cumbria Landscape Character Sub-Type 5a 'Ridge and Valley' and is neighboured by Sub-Type 5b 'Low Farmland'. The toolkit advises that key characteristics of Sub-Type 5a landscape are: a series of ridges and valleys that rises gently towards the limestone fringes of the Lakeland Fells; well managed regular shaped medium to large pasture fields; hedge bound pasture fields dominate, interspersed with native woodland, tree clumps and plantations; scattered farms and linear villages found along ridges; and large scale structures generally scarce.
- 6.42 In consideration of the proposal, the holiday units subject of this application would be located on land currently used as a touring site and be viewed against the backdrop of the existing caravan site which is well screened by existing belts of mature landscaping. Further landscaping within the application site would also help to mitigate any perceived visual impact. Furthermore, the proposed colours of the holiday units would also ensure a more cohesive colour scheme throughout the caravan site as a whole. Accordingly, the proposal would not have a detrimental impact on the landscape character of the area.

5. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

- 6.43 Policies within the local plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. One of the criterion of Policy SP6 being that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments.
- 6.44 Holly Lodge is sited at the entrance of the access road which serves the existing caravan site and Dalston Hall Hotel. In respect of traffic movements, the existing use of the touring site currently involves cars towing caravans utilising the shared access road. This proposal now seeks permission for the siting of 44 static holiday units in lieu of 71 touring pitches (51 touring caravans and 20 tent pitches). This equates to a reduction in holiday units within the application site by approximately 38%. As such, the proposal would effectively decrease the number of vehicle movements along the access road. In overall terms, given the existing use of the access road which also serves Dalston Hall Hotel, the proposal would not have a significant detrimental impact through intensification of use, noise or disturbance on the occupiers of neighbouring properties.

5. Proposed Drainage Methods

- 6.45 There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that sufficient capacity exists prior to commencement of any development and that development proposal do not have an adverse impact on the environment. The submitted documents illustrating that foul drainage from the proposed development would be to existing package treatment plants with surface water disposed of via existing soakaways.
- 6.46 In respect of the disposal of surface water drainage, the Lead Local Flood Authority (LLFA), raise no objections to the proposal as the difference in impermeable surfacing associated with the caravan park would be negligible and would utilise the existing surface water drainage network. As such, the proposed development would not increase flood risk on site or downstream of the works.
- 6.47 The submitted details illustrate that foul drainage from the proposed development would enter existing package treatment plants. The submitted Drainage Report detailing that the existing package treatment plants has the design capacity to treat the increased usage of the proposed holiday units. Furthermore, the caravan park has an existing Environment Agency permit but based on the calculations would require a revised permit. As Members are aware, the requirement to revise the Environment Agency permit would be subject to Environment Agency legislation. Should Members approve the application an informative is recommended to be included within the decision notice drawing the applicant's attention to this issue. In overall terms, the proposed methods for the disposal of foul and surface water drainage are acceptable and accord with the objectives of the NPPF, PPG and relevant local plan policies.

6. Impact Of The Proposal On Highway Safety

- 6.48 Policies EC10 and EC11 of the local plan seek to ensure that development proposals should normally be accessible by public transport, walking and cycling. However; for some developments in the rural area this may not be possible. In these cases, new development should be able to demonstrate that adequate access/parking is available and that proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network.
- 6.49 Access to the caravan park is currently via an un-adopted access lane off the B5299 county highway. These access arrangements will remain unchanged with parking to serve each of the holiday units provided adjacent to each of the proposed units. Cumbria County Council, as Highway Authority, has been consulted and raise no objections with regard to the proposed development as the proposal does not affect the highway. In light of the views of the Highway Authority, the proposal will not have a detrimental impact on highway safety.

7. Impact Of The Proposal On Biodiversity

- 6.50 The Councils GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development would not harm protected species or their habitat. Furthermore, the proposal includes additional landscaping, thereby, providing an opportunity for net biodiversity gain. To protect biodiversity and breeding birds during any construction works, informatives are recommended within the decision notice drawing the applicant's attention to the requirement under conservation legislation such as the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2010 etc.

8. Other Matters

- 6.51 A planning consultant acting on behalf of a third party requests that: *"the applicant informs prospective purchasers or occupiers of the caravans of the fact that Dalston Hall Hotel is an events venue as this appears to be a factor that has contributed to complaints having been received against activities at Dalston Hall Hotel"*. The representation citing paragraph 182 of the NPPF which outlines that: *"existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed"*.
- 6.52 The proposal seeks full planning permission for the use of existing touring site for the stationing of 44 static holiday caravans in lieu of consented 71 touring stances (51 touring caravan and 20 tent pitches) together with the demolition of existing amenity block. The proposal although for the stationing of static holiday units remains that of a holiday use. The proposed static caravans are replacing existing caravan and tent pitches. The very nature of

the proposal is of a more substantial nature than already exists and should improve the existing situation with regard to the “agent of change” principle.

- 6.53 A further issue raised by the planning consultation is in respect of any potential future development at Dalston Hall Caravan Park. As Members are aware, each application is dealt with on its own merits and is not relevant in the determination of this current application.

Conclusion

- 6.54 In overall terms, the principle of development is considered to be acceptable. The proposal would not have a detrimental impact on the Bishop’s Dyke Ancient Monument or the landscape character of the area. It would not lead to any demonstrable harm to the living conditions of the occupiers of any neighbouring properties nor have a detrimental impact on highway safety or biodiversity. The proposed method for the disposal of foul and surface water drainage is also acceptable.
- 6.55 The adjacent Grade II* Listed Building, Dalston Hall Hotel, is located within an undulating woodland setting resulting in the property with its associated gardens nestling into the landscape. There is an overriding sense that the contribution made by the setting has changed over the years from its origins as a fortified house, with the consequent need to view all surroundings, to the work carried out in the nineteenth century, the retention of the marquee with the aspect of the landscaped garden and the views towards Dalston latterly appearing to have a greater significance. The importance of its setting, however; throughout the history of the building should be given equal significance. When considering the degree to which the proposed changes enhance or detract from that significance, and the ability to appreciate that asset, the current proposal neither alters the existing landscaping nor affect the views of the landscaped garden and towards Dalston. In the case of the two towers the proposal would have a less than substantial harm given the application site’s existing use as a touring caravan site and that the holiday units would be finished in a pallet of muted environmental colours in keeping with the caravan park as a whole.
- 6.56 It is recognised and understood that under Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 considerable importance and weight still needs to be given to the desirability of preserving Dalston Hall Hotel and its setting even if the harm is found to be less than substantial. On balance, and having attributed special weight to the desirability of preserving the setting of Dalston Hall, the proposal accords with the objectives of the National Planning Policy Framework, Planning Policy Guidance, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, The Carlisle District Local Plan and supplementary material planning considerations.
- 6.57 Accordingly, the recommendation is for approval subject to the imposition of relevant conditions.

7. Planning History

- 7.1 The site and adjacent fields have a long and varied history through its use as a caravan site and a former golf course.

8. Recommendation: 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 24th August 2020;
2. the Design and Access / Planning Statement received 24th August 2020;
3. the flow calculations compiled by RA Dalton Waste Water Specialists received 24th August 2020;
4. the flow data received 24th August 2020;
5. the location plan received 24th August 2020 (Drawing No. LP1.0);
6. the layout plan received 24th August 2020 (Drawing No. DHP/1.0);
7. the Notice of Decision;
8. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

3. The total number of static holiday units to be stationed within the application site at any one time shall not exceed 44no.

Reason: For the avoidance of doubt.

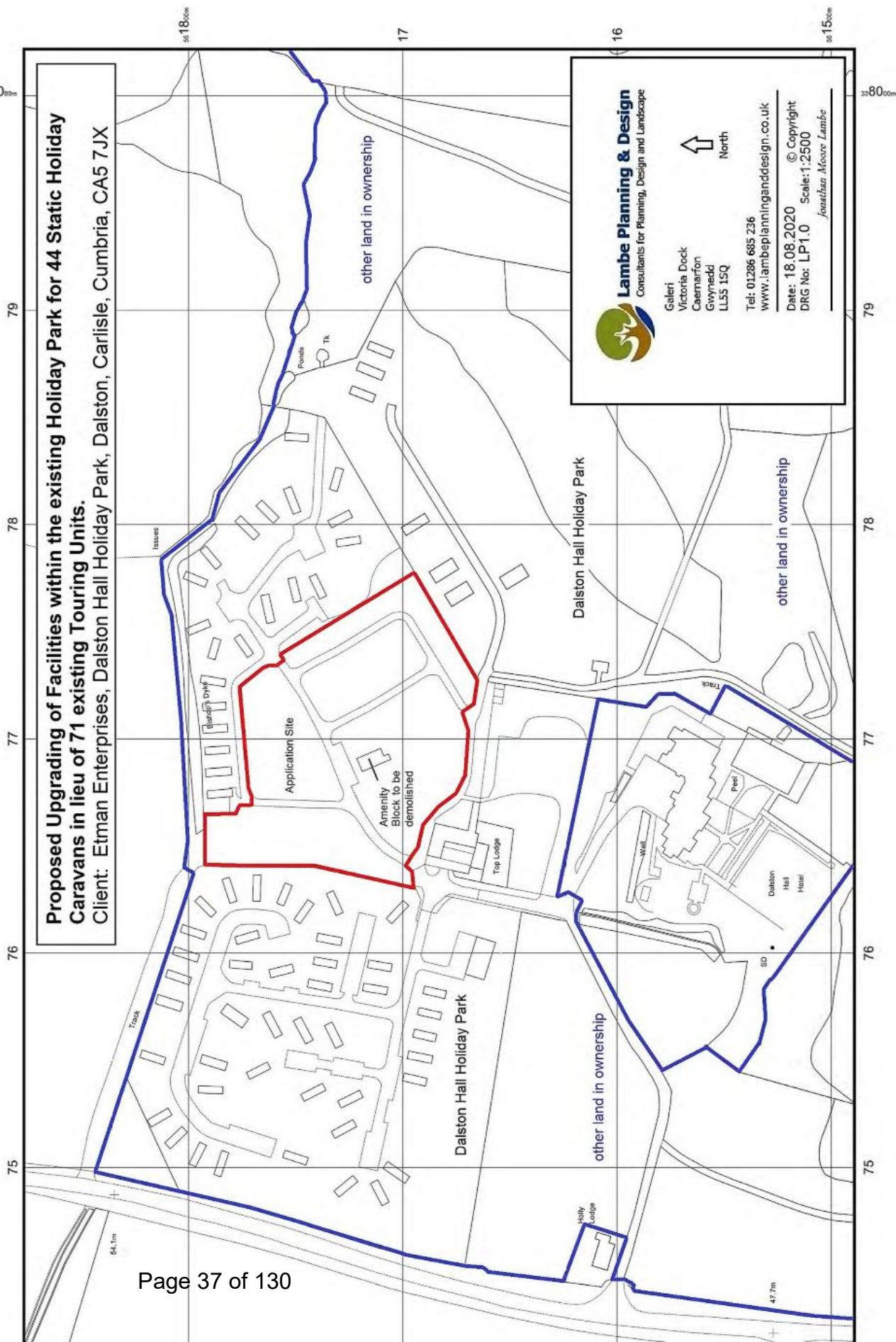
4. The static holiday units shall be used solely for holiday use and shall not be occupied as permanent accommodation.

Reason: To ensure that the approved static holiday units are not used for unauthorised permanent residential occupation in accordance with the objectives of Policy EC10 of the Carlisle District Local Plan 2015-2030.

5. The site manager/owner shall keep a register to monitor the occupation of the holiday units subject of this approval. Any such register shall be available for inspection by the local planning authority at any time when so requested and shall contain details of those persons occupying the units, their name, normal permanent address and the period of occupation.

Reason: To ensure that the approved holiday units are not used for unauthorised permanent residential occupation in accordance with the objectives of Policy EC10 of the Carlisle District Local Plan 2015-2030.

Proposed Upgrading of Facilities within the existing Holiday Park for 44 Static Holiday Caravans in lieu of 71 existing Touring Units.
Client: Etman Enterprises, Dalston Hall Holiday Park, Dalston, Carlisle, Cumbria, CA5 7JX



Lambe Planning & Design
 Consultants for Planning, Design and Landscape

Galleri
 Victoria Dock
 Caernarfon
 Gwynedd
 LL55 1SQ

Tel: 01286 685 236
www.lambeplanninganddesign.co.uk

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 DRG No: LP1.0

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 Scale: 1:2500

Jonathan Moore Lambe



North

Proposed Upgrading and Restructuring of Facilities at Dalston Hall Holiday Park, Dalston, Carlisle, Cumbria, CA5 7JX

Client: Etman Enterprises Ltd, Lynwood Lodge, Dalston Hall Holiday Park, Dalston, Carlisle Cumbria, CA5 7JX





Lambe Planning & Design Ltd
Consultants for Planning, Design and Landscape

Galeri
Victoria Dock
Caernarfon
Gwynedd
LL55 1SQ

Tel: 01286 685 236
e-mail: jonathan@lambeplanninganddesign.co.uk
www.lambeplanninganddesign.co.uk

Lambe Planning & Design Ltd Company No: 8207541

15th October 2020

Barbara Percival
Planning Officer (Development Management)
Economic Development
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Dear Barbara,

Re: Planning Application 20/0567 at Dalston Hall Holiday Park.

Client: Mr Paul Holder, Dalston Hall Holiday Park, Dalston, Carlisle, Cumbria, CA5 7JX

I refer to and thank you for your email of 13th October, and in this connection write to provide additional justification regarding the proposed change from Touring Caravans / Tenting Pitches to Holiday Static Caravans at Dalston Hall Holiday Park.

For brevity and ease of reference the following information and justification is provided in point format :-

- 1). Dalston Hall Holiday Park receive many requests annually from existing Tenting & Touring Caravan owners who have holidayed there for many years who wish to upgrade to a more comfortable Static Holiday Caravan.
- 2). The Park has a 12 month Season, and Touring Caravans & Tents are not suitable for use in the colder winter months – particularly tents which within the period of mid September to Easter are totally unsuitable for use in these late Autumn and Winter months. Particular issues include the damp, cold, condensation, water freezing and not wishing to have to use an outdoor toilet block.
- 3). Static Holiday Caravans provide a higher standard of accommodation, these units have modern efficient central heating, double glazing and insulation together with more spacious and a significantly higher standard of accommodation. These features are not available in tents or a touring caravan. Please see Figures 3 to 12 within the Design and Access / Planning Statement which provided detailed images of the exceptionally high standard of accommodation provided within modern Static Holiday Caravans – which are clearly not available within Touring / Tenting units.



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4). The inability of Dalston Hall Holiday Park to provide an alternative type of Holiday Accommodation for these existing customers is damaging the Holiday Product and having a detrimental impact on employment, the local economy and other attractions and facilities as these holiday makers are unable to holiday in these autumn / winter months. In summary Holiday Caravans of this nature provide an all year round comfortable facility which cannot be provided by Touring Caravans and Tents, this proposal will assist in preventing the in-continuity of season employment which is specifically supported by Government Policies and Guidance.

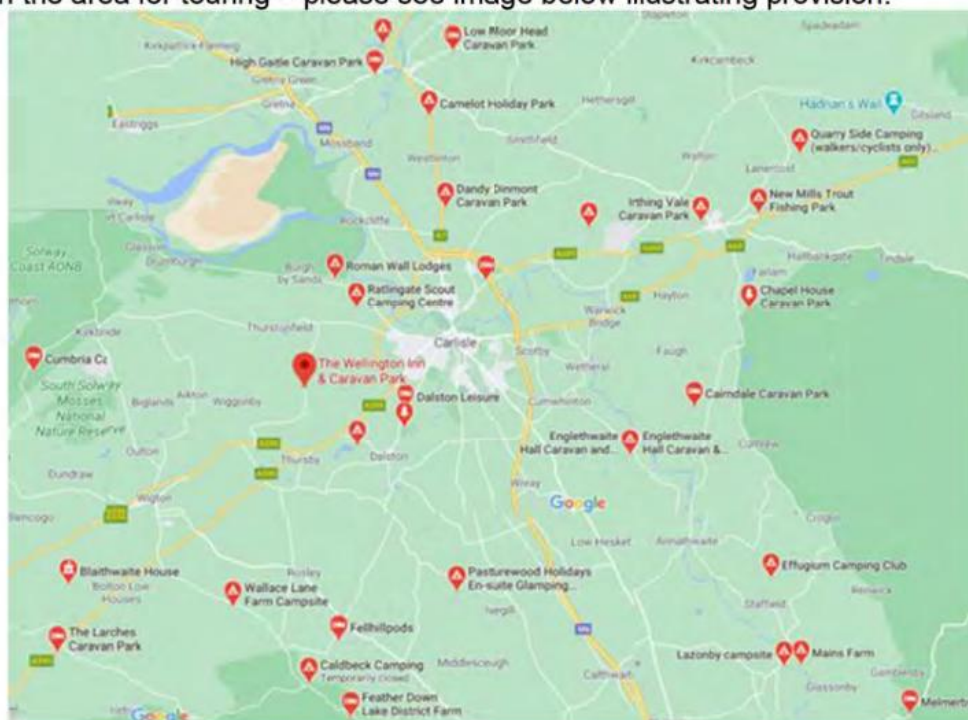
5). The proposal is for a significant reduction in the numbers of units from 71 Touring Units to 44 Holiday Caravans which equates to a numerical reduction of approximately 40%. The proposed replacement units would be in muted environmental colours in a landscaped low density layout and replaces the existing brightly coloured and highly visible white Touring Caravans, Awnings and Tents. There is therefore a significant improvement in any potential visual impact.

6). The proposal also involves the Demolition of the existing Toilet Block which will remove a permanent building from the Holiday Park / Application Site, and therefore provides a significant reduction in built development and an improvement over the current position.

7). The Toilet Block is an old outdated and visually unattractive unit, which is of no architectural merit. It does not meet the expectations of 21st Century Holiday Makers and it is not a financially viable proposition to Refurbish, Renovate and Refit it to the standards which are now expected.

8). The Global Covid Pandemic has created significant issues for the Hospitality and Holiday Parks sector, particularly where Touring Caravans and Tents utilise communal showers, toilets and wash hand basins. The world has significantly changed with C19, and the advice from leading epidemiologists is that the Virus will be with us for many years. As a consequence of the Virus and the need for social distancing, the physical capacity of the existing Toilet Block has been reduced by 50% to comply with Social Distancing Requirements as it has been necessary to close off Wash Hand Basins, Showers and WC's. As a result the capacity is no longer there within the existing building. This building is therefore no longer fit for purpose.

9). Within the immediate vicinity of Dalston Hall Holiday Park are located a significant number of alternative Touring Caravan and Tenting Sites. It is therefore considered that there is adequate provision in the area for touring – please see image below illustrating provision.



10). Nevertheless, the Applicant does fully appreciate the observations of the Parish Council.

In terms of the Applicants aspirations, should the market and its demands change in the longer term - then the Applicants could if necessary and the Parish Council still desire a Touring Facility, this could be provided within the existing parking / storage area within the walled garden at the Park.

The benefit of this location being that it is fully screened and enveloped within an existing high wall, and would not incur any detrimental impact on visual amenity or the setting of the Bishops Dyke

Such a facility could be operational for a season of only 1st March to 31st October and appropriate modern ablution facilities could be provided within a new purpose built timber Lodge Amenity Unit.

11). Economic impact.

The British Holiday & Home Parks Association (BH&HPA) published information on the financial contributions that the "Parks Industry" and Tourism Industry make to the economy.

One key relevant fact was that - every two Static Caravan pitches accounts for one tourism job and that each pitch generates £25708.00 into the local economy on an annual basis.

When compared to touring pitches, this figure reduced by £10k to £15156.00 per annum. In both cases this is for a 30 week season.

It can therefore be seen that the Holiday Static Caravan Pitches proposed would generate significantly more spends and employment into the local rural economy – the spends from Static Caravan Customers would therefore be significantly greater in the area.


Conclusion

In summary, the change from Touring / Tenting to Holiday Caravans is merely an existing tourism business reacting to market trends and requirements, and providing a significantly improved standard of all year round holiday accommodation. Such as facility has been specifically requested by existing touring unit holidaymakers at the Park.

This proposal will have material and beneficial impacts upon the local rural economy, local employment and other attractions and facilities in the region who rely on the tourism industry. The proposal will also assist in preventing the in-continuity of seasonal jobs and income.

Should you require any further clarification, please do not hesitate to contact me.

Yours sincerely,

A black rectangular box redacting the signature of Jonathan Moore Lambe.

Jonathan Moore Lambe

SCHEDULE A: Applications with Recommendation

20/0245

Item No: 02

Date of Committee: 06/11/2020

Appn Ref No:
20/0245

Applicant:

Parish:
Carlisle

Agent:
Day Cummins Limited

Ward:
Cathedral & Castle

Location: 4-14 Victoria Place, Carlisle, CA1 1ER

Proposal: Change Of Use Of Redundant Office Building To Form 6no. Houses Of Multiple Occupation

Date of Receipt:
24/04/2020

Statutory Expiry Date
19/06/2020

26 Week Determination
11/09/2020

REPORT

Case Officer: Richard Maunsell

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 The Principle of Development
- 2.2 Whether The Scale And Design Is Acceptable
- 2.3 The Impact Of The Development On Heritage Assets
- 2.4 Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.5 Affordable Housing
- 2.6 Highway Issues
- 2.7 Whether The Method of Disposal of Foul And Surface Water Are Appropriate
- 2.8 Impact Of The Proposal On Biodiversity

3. Application Details

The Site

- 3.1 The application site relates to 4-14 Victoria Place, Carlisle which are six properties within a terrace of nine, three storey building with basements. The

buildings are within the city centre set on a back of pavement linear form along Victoria Place, a main thoroughfare leading east. The buildings date from 1852-54 and are located within the Portland/ Chatsworth Square Conservation Area. The terrace was constructed in an early Victorian era but are of Georgian appearance. This area of Victoria Place is characterised by its linear form, established building line and tree lined street.

- 3.2 The buildings were originally constructed as townhouses which comprised of living accommodation, servants' quarters and working areas to the houses spread over a basement, ground and first floor with attic accommodation in the roofspace. The buildings have been subject to a variety of alternative uses over the years and the subsequent alterations to the buildings to facilitate these uses have eroded this historic character to a greater or lesser degree.
- 3.3 The buildings are constructed from ashlar sandstone under a slate roof and face directly onto another terrace on the opposite side of the road. The entrances are characterised by a porch with column supports. The windows to the front elevations are timber sliding sash with glazing bars. To the rear, the construction is brick in English garden wall bond. Some of the outriggers have been removed and the rear elevations have been rendered. A number of modern alterations are evident such a single storey extension, rebuilding of outriggers, fire escapes and blocking up of basement openings. Windows are a mix of original timber sliding sash and modern timber casement windows. To the rear of the buildings are a small courtyard which leads onto a lane that separates Victoria Place from Chapel Street.

The Proposal

- 3.4 The buildings have been vacant for several years following the relocation of the previous occupant, Burnetts Solicitors. Listed building consent is sought for the change of use of redundant office building to form 6no. houses of multiple occupation together with various internal and external alterations.
- 3.5 The proposed alterations to the buildings are detailed in the Design & Access Statement accompanying the application and include (although not limited to):
- the reinstatement of individual townhouses with the infilling of doorways on the party walls and garden walls/ garden gates;
 - the removal of external fire escape stair to No. 14 and removal of the ground floor extension to No. 12 to return to the original building line and the reinstatement of windows and the ground & first floor to the original floor levels;
 - reinstate a staircase to No. 12 in the original location to serve all floor levels;
 - remove various partitions and in principle rooms (e.g. ground floor) reinstate to original wall lines;
 - form openings in archway features (at ground floor) to provide open plan lounge/kitchen (to match detail in house 6);
 - make all front doors operational and replace the window in No. 12 with a front door to match the original front door;

- replacement and addition of dormer windows to the front roof elevation of all units to provide additional daylight and up-grade insulation levels and re-cladding with zinc cladding panels;
- insert ensuites/bathrooms within existing rooms as a pod;
- insert escape doors (to the rear of basements) and partition walls;
- refurbish yard areas with raised planters, fixed seating to provide external amenity space for residents;
- all insertions will be scribed around architectural features to allow removal if required without damage to the original feature.

4. Summary of Representations

4.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers 14 of the neighbouring properties. In response, eight letters of objection have been received (three of them from the same person) and the main issues raised are summarised as follows:

1. there are an excess number of bedsits which could potentially lead to more than 100 people living here if occupied by couples which will put a strain on local resources;
2. the development will give rise to increase noise levels;
3. the yard from the lane could not comfortably house the recycling/ bins. Who would be responsible for taking them out from the yard at the back of the property down the lane and on to the street for collection? This would be a hazard on the day of collection on the public paths and it not regularly looked after, give rise to smell and vermin issues;
4. the rear lane has been a mess for years now cleaned by residents. Bin stores in yards will create even more mess as shown by an existing HMO in Chapel Street where bags are left in rear lane due to tenants not placing them out for collection;
5. traffic and parking has also been a longstanding issue in the area with residents struggling to park with shoppers visiting the city centre. This has been somewhat resolved recently with the introduction of residents only parking;
6. where are these potential 63 plus new residents going to park? There will be again high demand for the few free spaces in the area. There is also likely to be increase of cars pulling over outside this properties dropping off and picking up residents on an already constantly busy road where stopping isn't permitted;
7. the applicant's suggest that 'parking permits might be possible' which has already been discounted as parking in Zone C is at maximum capacity;
8. as well as parking, the development would increase pressure on other infrastructure such as the sewage system. The sewers are weak as evidenced by surveys undertaken by the previous owner;
9. as Grade II* listed the renovation to include 63 bedsits within 6 properties would not be achievable within the keeping of the guidelines, health and safety (appropriate access and fire escapes etc.) or within the spirit of listed properties, surely rooms being divided etc., would cause damage to ceiling features and other characteristics;
10. six separate individual dwellings would be a more favourable option

- reducing the number of tenants;
11. there is no objection to these buildings being residential properties such as houses or apartments as long as they are in keeping with the surrounding buildings and Grade II* characteristics which also have a reasonable number of residents. However 63 bedsits is an excessive number of people crammed into these properties, with minimal outdoor space for refuse and recycling. No allocated parking and an increase pressure on surrounding roads and parking and an increase of noise;
 12. this is overdevelopment of listed buildings within a conservation area.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - the following comments have been received:

Local Highway Authority

As is stated in the Cumbria Development Design Guide normally for one bedroom dwellings one parking spaces per unit would be required. This cannot be achieved due to the limited parking availability to accommodate for the intensification of vehicles that will be the result of this development. However, taking into account the sustainable location of the proposed development with good access to public transport and city centre services, the Cumbria County Council has no objection to the proposed development. It should however be noted that the Cumbria County Council Parking Enforcement Team have stated that no resident parking permits are being allocated to new developments as there is currently no spare capacity.

If the application is approved the applicant must not commence works, or allow any person to perform works, on any part of the highway until in receipt of an appropriate permit allowing such works. They will need to contact Streetworks Central centrals@cumbria.gov.uk for the appropriate permit.

Lead Local Flood Authority (LLFA)

The LLFA has no records of minor surface water flooding to the site and the Environment Agency surface water maps do not indicate that the site is in an area of risk.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies SP2, SP6, SP7, HO2, HO4,

HO10, IP2, IP3, IP4, CC5, CM5, HE3, HE7 and GI3 of the Carlisle District Local Plan 2015-2030 are also relevant. Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) and Carlisle City Council's Supplementary Planning Documents (SPD) 'Achieving Well Designed Housing' and 'Affordable and Specialist Housing' are also material planning considerations. The proposal raises the following planning issues.

1. The Principle Of Development

6.3 The main issue to establish in the consideration of this application is the principle of development. Since the adoption of the local plan, the NPPF has been published by the government and is a material consideration in the determination of this application.

6.4 Policy HO2 of the local plan makes provision for windfall housing development within or on the edge of Carlisle subject to a number of criteria covering scale, design, location, proximity to services and the need to enhance or maintain the vitality of rural communities.

6.5 The supporting text to Policy HO2 states in paragraph 5.9:

“Windfall housing is recognised as contributing in a positive way to the supply of housing over the plan period. Within the built up areas of Carlisle, Brampton and Longtown, particularly but not exclusively within the Primary Residential Areas, there are likely to be opportunities for new residential development, either through the development of vacant sites, the conversion of vacant buildings, or as part of a larger mixed use scheme. Residential development in these areas will be acceptable, subject to the stated criteria in the above policy.”

6.6 Moreover, in recent years there has been a shift in demand for office accommodation with out-of-centre locations being favoured over city centre buildings. This is supported by the length of time that the building has remained vacant. As such, an alternative use has to be found for such buildings to make them viable for conversion and remaining as part of the existing urban form. Given these material considerations and the fact that the site is within the city centre, the principle of development is acceptable in policy terms. The planning issues raised by the development are discussed in the following paragraphs.

2. Whether The Scale And Design Is Acceptable

6.7 The NPPF promotes the use of good design with paragraph 127 outlining that:

“Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

6.8 It is further appropriate to be mindful of the requirements in paragraph 130 of the NPPF which states:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

- 6.9 Policies seek to ensure that development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. Developments should therefore harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and making use of appropriate materials and detailing.
- 6.10 This theme is identified in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.
- 6.11 The development would involve the installation of eight dormers on the front elevation that would replicate the four that currently exist and which would be visible from the street scene. New railings would also be provided to replace those that were historically removed. To the rear of the buildings, further alterations are proposed that include the removal of an external metal fireplace, insertion of a window, removal of a modern extension, insertion of door and removal of air conditioning equipment.

- 6.12 The alterations to the rear would not be visible from any public vantage point and would have a minimal impact on the occupiers of the neighbouring properties. The alteration to the principal front elevation would replicate existing features and has attracted no objection from the statutory consultees. Conditions are imposed on the listed building consent application which accompanies this planning application that require the applicant to submit further details in terms of the railing details, dormer construction and window and door detail.
- 6.13 The removal of some structures to the rear of the buildings would not only enhance the setting of the heritage assets, which is elaborated later in this report, but would allow for a larger amenity space. Given the scale of the land and the size of the buildings, this is limited but is not different to the previous use as an office and is commonplace for such proportions in city centre locations. A condition is imposed requesting the submission and agreement of an area for the storage and management of refuse bins and collections.
- 6.14 The scale and nature of the alterations would be acceptable in the context of the its immediate surroundings by incorporating appropriate materials. The conversion would therefore not form a discordant feature and would have a positive contribution to the character and appearance of the surrounding area and is therefore acceptable in this regard.

3. The Impact Of The Development On Heritage Assets

3a. Listed Buildings

- 6.15 Pursuing sustainable development involves seeking positive improvements in the quality of the historic environment (paragraph 8).

Impact Of The Proposal On The Character And Setting of the Grade II* Listed Buildings

- 6.16 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.17 Paragraph 195 of the NPPF states that local planning authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.18 Criteria 7 of Policy SP7 seeks to ensure that development proposals safeguard and enhance conservation areas across the District. Policy HE3 of

the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.

- i) the significance of the heritage asset and the contribution made by its setting

6.19 The buildings are Grade II* listed buildings and the description reads:

"Includes: No.2 ALBERT STREET. Terrace of 9 houses (one on the return), now offices, club and house. 1852-4. Calcareous sandstone ashlar on moulded plinth, with string course, cornice and dwarf parapet. Graduated slate roof with some skylights and C20 boxed dormers; shared ridge brick chimney stacks, partly rebuilt or heightened. 2 storeys, 3 bays each, except No.2 Albert Street which is 2 bay. Right and left paired doorways have panelled door and overlights, up steps, in prostyle Ionic porches. Sash windows, most with glazing bars in plain stone reveals over recessed aprons. Cellar windows under ground floor windows, the voids of No.12 and No.18 with cast-iron patterned railings. No.12 has door replaced by sash window, but within porch. The end of the terrace Nos 16 and 18 project slightly from the rest of the terrace of No.2 at the other end. 2-bay return of No.18 is on Albert Street and continues as No.2 Albert Street with right panelled door and overlight in pilastered surround. Sash windows in plain reveals. Railed cellar void carried round from No.18. INTERIORS not inspected. See description of Nos 3-17 for further details. This terrace is not on the 1851 census, but appears on Asquith's Survey of Carlisle 1853. The Carlisle Journal (1852) records the finding of Roman remains in digging foundations for houses. The deeds for No.4, listing the builder, plasterer and joiner, are dated July 1854. No.12 formerly listed on 13.11.72. (Carlisle Journal: 28 May 1852)."

6.20 There are also a large number of listed buildings in the vicinity of this city centre location which includes both sides of Victoria Place together with the buildings to the north along the south side of Chapel Street.

- ii) the effect of the proposed development on the settings of the listed buildings

6.21 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA).

6.22 The TSHA document and the NPPF make it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

6.23 The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the

impact of a proposal on a heritage asset (paragraph 194). However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 6.24 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjoining listed buildings and settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.25 A key objective in the NPPF is *“the desirability of sustaining and enhancing the significance of heritage assets”* (paragraph 126). The NPPF advises that the more significant the heritage asset the greater weight should be given its conservation (paragraph 132). In 2008, English Heritage issued Conservation Principles which in part explains the importance of understanding what is significant before making changes to a historic building. The document sets out four main aspects of significance: evidential (or archaeological), historical, aesthetic and communal. In accordance with the Conservation Principles, the Heritage Statement outlines that there are four main categories of significance that can be measured:

“Exceptional – an asset important at the highest national or international levels, including scheduled ancient monuments, Grade I and II Listed buildings and World Heritage Sites. The NPPF advises that substantial harm should be wholly exceptional.*

High – a designated asset important at a national level, including Grade II listed buildings and locally designated conservation areas. The NPPF advises that substantial harm should be exceptional.

Medium – an undesignated asset important at local to regional level, including buildings on a Local List (nonstatutory) or those that make a positive contribution to a conservation area. May also include less significant parts of listed buildings. Buildings and parts of structures in this category should be retained where possible, although there is usually scope for adaptation.

Low – structure or feature of very limited heritage value and not defined as a heritage asset. Includes buildings that do not contribute positively to a conservation area and also later additions to listed buildings of much less value.

Negative – structure or feature that harms the value of heritage asset. Wherever practicable, removal of negative features should be considered, taking account of setting and opportunities for enhancement.”

- 6.26 The proposal involves works to the listed building which are summarised in paragraph 3.5 of this report. Historic England initially commented that:

“Historic England is therefore supportive of both the proposed residential use of the building, and the proposal to re-establish the historic internal subdivision between the six dwellings.

However, we would express concerns in relation to the proposed internal configuration at first floor, which is comparatively invasive, and would serve to erode the ability to understand the historic character and form of the important first floor rooms.

This impact could be avoided if the terrace was converted back into six houses, which would be our preference. However, we have previously accepted that this use is unlikely to be viable, given the lack of sufficient external space or parking provision. We would therefore accept that a degree of additional subdivision will be necessary to bring the building back into active use, even if this will in part have a negative impact on the architectural character of the building. We would also acknowledge that the interior of the building has already been altered in an unsympathetic manner.

However, any harm is a material consideration, and any application should demonstrate that this harm is both necessary, and has been mitigated as far as possible. We would therefore suggest that further consideration is given to whether a layout that did not require the subdivision of the principal rooms at first floor or the introduction of ensuite ‘pods’ could be achieved, particularly by reducing the number of bedrooms and proposing a greater number of shared bathroom facilities.

If the applicant contends that these changes to the layout cannot be achieved, the local authority should consider whether they feel that the supporting justification is clear and convincing, and whether the heritage benefit delivered by the proposal is only achievable from a scheme that causes the identified harm.”

- 6.27 The Heritage Statement provides an appraisal of the different areas and features within the buildings and categorises them as being of high significance, moderate/ medium significance, low/ medium significant. The principal elevations are classified as high significance and this is a consistent status across all the levels. Within the buildings themselves, the basement is of low and low/ medium significance which is reflective of the historical functional nature of the space. The ground floor is generally of high significance with the exception of some internal doors, architrave and stud partitions which are of low and low/ medium significance. This is reflected on the first floor with chimney breasts, fire places and ornate coving and ceiling roses attaining high significance but again, internal doors, architrave and stud partitions being of low and low/ medium significance. The staircases leading to the attic space of high significance but the remainder is of low/ medium and moderate/ medium significance, again this is reflective of the historical use as servants quarters or small bedrooms.
- 6.28 The scheme has been amended following the initial submission further to the comments made regarding the first floor principle rooms with alterations to

Nos. 8, 10, 12 and 14 first floor rooms to introduce pod bathrooms and a reduction in the number of bedrooms in Nos. 8 and 10.

- 6.29 The detailed Heritage Statement which has been submitted in support of this application highlights that over the years, the buildings have been subject to physical alteration and change to adapt to their alternative uses. Fundamentally, the main physical changes proposed under this application are the subdivision of the former board room between Nos. 12 and 14, the formation of dormer windows and the installation of ensuite pods. The remaining works are considered to be sympathetic alterations to the buildings such as the removal or reversal of modern additions and repair to the fabric of the building.

- 6.30 The Heritage Statement S concludes that:

“My conclusions have found that Victoria Place is a significant heritage building with elements of the highest significance and therefore most sensitive to change is its principal elevations, in particular the Victoria Place elevation which for the most part will remain unchanged. The building merits is listing at grade II and whilst the building has been impacted by a number of later changes which have irrecoverably changed the overall aesthetic of the building, there is recognition that a programme of sympathetic regeneration and comprehensive internal upgrading is required to enable the building to be reinstated back to its intended use as residential. The slight internal reordering of spaces and decorative uplifting would help ensure that the building is attractive making a positive contribution to the local area.”*

- 6.31 The issue in determining such applications is making a balanced planning judgement which in this instance relates to the less than substantial harm that would occur as a result of the works to the building offset by the fact that the development would allow the viable reuse of the building rather than the continued period of vacancy of potential deterioration of the building. This point is highlighted in the Historic England's response and when asked specially to comment on this as part of the listed building application, the council's Conservation Officer advised that:

“The issues to me are that the buildings have sat idle for a couple of years now, and have been actively marketed, but with little interest. The lack of parking possibly limits appeal, as does Carlisle's depressed market and a number of other former commercial listed buildings being available elsewhere...(Portland Square). The benefits of this scheme are the removal of significant partitioning and approved works to the gf, which reinstates these spaces, and overall re-use of the building. The most significant ff rooms are to the front of buildings 8-14 with 4 and 6 already subdivided. The proposals reveal the proportions of ff rooms at 8 and 10, albeit with bathroom pods to all frontage rooms. The bathroom pods are designed at our request to have curved edges and stop short of the ceilings and cornices – emphasising them as insertions into the space. This mitigates somewhat against the subdivision originally proposed which was conventionally boxy.

On balance, the removal gf portioning and some ff partitioning outweighs the

impact on room proportions arising from the pods. I do not think the applicant's have clearly conveyed this but on aggregate I would consider the works to be of beneficial to revealing the significance of the building, and the original spatial arrangements."

- 6.32 A number of conditions are proposed as part of the recommendation for the listed building application which follows this report in the schedule, including the requirement to provide scale drawings of the dormer windows, submission of further window details, details of any mechanical extraction systems, an obligation to record the building to Historic England Level 3, use of lime mortar for any interior or exterior brickwork, agreement of insulation to attic spaces and any rewiring or plumbing to be made good in lime plaster. In this context, it is considered that the proposal (in terms of its location, scale, materials and overall design) would not be detrimental to the immediate context or outlook of the aforementioned adjacent listed buildings.

3b. Impact Of The Proposal On The City Centre Conservation Area

- 6.33 The application site is located within the City Centre Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, PPG, Policy HE7 of the local plan are relevant.
- 6.34 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect to any buildings or land in a conservation area. The aforementioned section states that:

"special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area".

- 6.35 The aim of the 1990 Act is reiterated in the NPPF, PPG and policies within the local plan. Policies HE6 and HE7 of the local plan advise that proposals should preserve or enhance their character and appearance, protecting important views into and out of conservation areas.
- 6.36 Under the requirements of the NPPF, a *"balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*
- 6.37 The principal elevation would only be subject to relatively minor changes, reinstating the railings and installing additional dormer windows. As stated as part of the listed building application, the council's Conservation Officer is content with these proposals subject to the imposition of conditions which are included separately as part of the recommendation under the listed building report.
- 6.38 On this basis, the proposal would preserve the character and appearance of the conservation area and would not prejudice important views into or out of the conservation area and is acceptable.

4. Impact On The Living Conditions Of The Occupiers Of Neighbouring

Properties

- 6.39 Development should be appropriate in terms of quality to that of the surrounding area and should not have an adverse impact on the living conditions of the occupiers of adjacent residential properties. The SPD provides guidance as to minimum distances between primary windows in order to respect privacy and avoid overlooking. Any subsequent scheme would have to be mindful and have regard to the distances outlined in the SPD i. e. 12 metres between primary windows and blank gables and 21 metres between primary windows.

- 6.40 The City Council's Supplementary Planning Document "Achieving Well Designed Housing", on the matter of privacy, states that:

"Where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window). However, if a site is an infill, and there is a clear building line that the infill should respect, these distances need not strictly apply. (para. 5. 44) While it is important to protect the privacy of existing and future residents, the creation of varied development, including mews style streets, or areas where greater enclosure is desired, may require variations in the application of minimum distances." (para. 5. 45)

- 6.41 The buildings face onto the rear of those along Chapel Street and vary in distance between approximately 8 and 11 metres. Although less than the stated distances in the SPD, members must be mindful that the openings in the building are existing and that these distances already are already present. Nothing is proposed as part of the development that would intensify his issue, for example, through the construction of extensions that would project from the rear of the buildings closer to those along Chapel Street. Indeed, it has been accepted for other applications that the development does not make an existing situation worse, such an arrangement below these distances is acceptable.
- 6.42 It is inevitable that any development may lead to increased levels of traffic and noise; however, given that the size of the site the level of usage would not warrant refusal of the application on this basis.
- 6.43 Furthermore, to mitigate for any unacceptable noise and disturbance during construction works a condition is suggested which would limit construction hours.
- 6.44 In overall terms, taking into consideration the scale and position of the proposed application site in relation to neighbouring properties, it is unlikely that the living conditions of the occupiers of the surrounding properties will be compromised through loss of light, loss of privacy or over dominance.

5. Affordable Housing

- 6.45 Policy HO4 of the local plan requires identifies three zones within the district

and the proportionate level of affordable housing that should be provided once the relevant threshold has been met. In this instance, the site falls within Zone B which requires that on sites of 11 units or over, 20% of the units will be required to be affordable housing.

- 6.46 The council's Housing Development Officer has commented that a financial contribution for off-site affordable housing is required in lieu of on-site provision due to the number of units exceeding the threshold. This would be based on the equivalent to providing 12 on-site affordable units at 20% of the total units.
- 6.47 The converted buildings will provide individual rooms with communal facilities. The submitted Design and Access Statement clarifies that:
- “The proposals seek to return the Townhouses back to individual stand alone units with a mixture of room sizes and facilities to rent on a shared house basis. This application seeks to provide modern, sustainable and appealing living space, while preserving and enhancing the building curtilages and working within the constraints of the Grade 2* listing.”*
- 6.48 The importance of Policy HO4 and the affordable housing SPD is acknowledged but in this instance it would not be appropriate to apply them to this development or to require the affordable housing contribution. The SPD refers to the numbers of dwellings or units to be created and the resulting number relative to the assessment of the affordable housing provision. In this instance, given that the ‘units’ comprise of rented ensuite bedrooms whose occupants share communal facilities such as the kitchen, lounge and laundry facilities, a contribution is not required. This does not undermine the council's position when assessing applications for flats, bedsits or self-contained sheltered accommodation which would be considered a residential unit due to facilities classifying them as ‘self contained’.
- 6.49 The Housing Development Officer also makes reference to the fact that housing policies support accessibility to and within properties and in particular, that Policy HO10 of the local plan is committed to the development of flexible and adaptable homes to meet the need of disabled persons. It is recommended that a number of the ground floor units incorporate design standards from Part M of the Building Regulations.
- 6.50 Policy HO10 refers specifically for dedicated specialist housing for a particular group within society such as vulnerable people, ageing people, those with physical or learning difficulties etc. This application is not intended to target a particular need such as this.
- 6.51 The buildings are elevated above the pavement level and are accessed via several steps. Some measures could be incorporated on the ground floor; however the buildings are Grade II* listed and consideration would have to be given to the alteration of the buildings in this manner. Development must comply with other relevant legislation which in this case would include the Building Regulations where accessibility would be taken into account.

6. Highway Issues

- 6.52 There is no dedicated parking for these buildings and parking along the frontage is prohibited by double yellow lines. The fact that there is no parking is not uncommon in city centre locations which is generally the 'norm' rather than the exception. Initially, Cumbria County Council as the Local Highway Authority raised an objection on the following basis:

"No parking provisions have been provided, therefore does not meet our requirements. If the application is approved I can confirm no parking permits area available for on street parking as this area is oversubscribed for parking. There are large private car parks in the area but the applicant would have to liaise with the car park owners directly.

With the above in mind I have no alternative but to recommend refusal."

- 6.53 This response conflicted with responses issued by the Local Highway Authority for other developments in the city centre, particularly given that the site is well-related to the city and is accessible by alternative means of transport including cycling, walking and public transport. It is also well-related to two public car parks. Following discussions with Officers, the consultation response was revised and the updated comments are reproduced in Section 5 of this report.
- 6.54 The proposed use also has to be considered against the existing lawful and previous use of the buildings as offices which were occupied by Burnetts Solicitors. A large number of staff worked in these buildings and there were also clients which would have visited the premises, all of whom would have to have made their own parking or travel arrangements. As such, any vehicle movements can be accommodated within the existing highway network and Cumbria County Council as the Local Highway Authority has raised no objection to the application. As such, the proposal does not raise any highway issues.

7. Whether The Method of Disposal of Foul And Surface Water Are Appropriate

- 6.55 In order to protect against pollution, Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. The application form, submitted as part of the application, outlines that both foul drainage and surface water would drain to the mains drains as is the current arrangement.
- 6.56 Cumbria County Council as the Lead Local Flood Authority has raised no objection to this issue. In the representations that have been received, it is stated that the drainage infrastructure serving the property is in need of some repair. If this is the case, this is a matter for the applicant and the utilities company to resolve. As such, it is considered that the means of foul and surface water drainage are acceptable.

8. Impact Of The Proposal On Biodiversity

- 6.57 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.58 As the proposal would involve the conversion of an existing building within the city centre, the proposal would not harm a protected species or their habitat; however, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.
- 6.59 It has been stated to Officers that there are known to be bats in the attic. There is no evidence of this and given the nature and location of the building, this is considered unlikely; however, the applicant has a separate obligation under the European legislation to protect the species if any are found once work commences.

Conclusion

- 6.60 In overall terms, the principle of the conversion of the buildings is acceptable. The scale and design would be appropriate to the site and would not result in an adverse impact on the character or appearance of the area.
- 6.61 The significance and integrity of heritage assets need to be properly taken account of and protected as part of any development proposal. In determining this application, a planning balance has to be made which in this instance primarily relates to the less than substantial harm that would occur as a result of the works to the building offset by the fact that the development would allow the viable reuse of the building rather than the continued period of vacancy of potential deterioration of the building. The building has remained vacant for a considerable period of time with little prospect of that changing. It is accepted that some alterations are necessary to convert the building and make it practical and viable for an alternative use, one which will secure the future of this heritage asset. Based on the foregoing assessment it is considered that an appropriate equilibrium has been struck between the conversion and future use of the buildings together with the protection of the heritage assets and would be of wider public benefit and the proposal would not be detrimental to the character or setting of any listed building
- 6.62 In the context of the site, the amenity of the occupiers of the neighbouring property would not be adversely affected. Adequate provision would be made for foul and surface water drainage. Although there is no dedicated parking

provision, the site is located in the city centre with access to alternative transport links and car parks. In overall terms, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF.

7. Planning History

- 7.1 Historically there have been several applications for planning permission for alterations to the buildings.
- 7.2 More recently, in 2002, listed building consent was granted for the creation of link doors at ground floor and 1st floor between 14 and 16 together with additional internal alterations.
- 7.3 An application is currently being considered for listed building consent for the change of use of redundant office building to form 6no. houses of multiple occupation under application 20/0246.

8. Recommendation: 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 20th April 2020;
 - 2. the Block Plan & Location Plan received 15th April 2020 (Drawing no. 06 Rev A);
 - 3. the Proposed Plans and Elevations received 9th July 2020 (Drawing no. 02 Rev G);
 - 4. the Typical Ensuities & Ground Floor received 9th April 2020 (Drawing no. 04);
 - 5. the Proposed Section received 9th April 2020 (Drawing no. 03);
 - 6. the Design and Access Statement received 9th April 2020;
 - 7. the Heritage Statement received 9th April 2020;
 - 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.

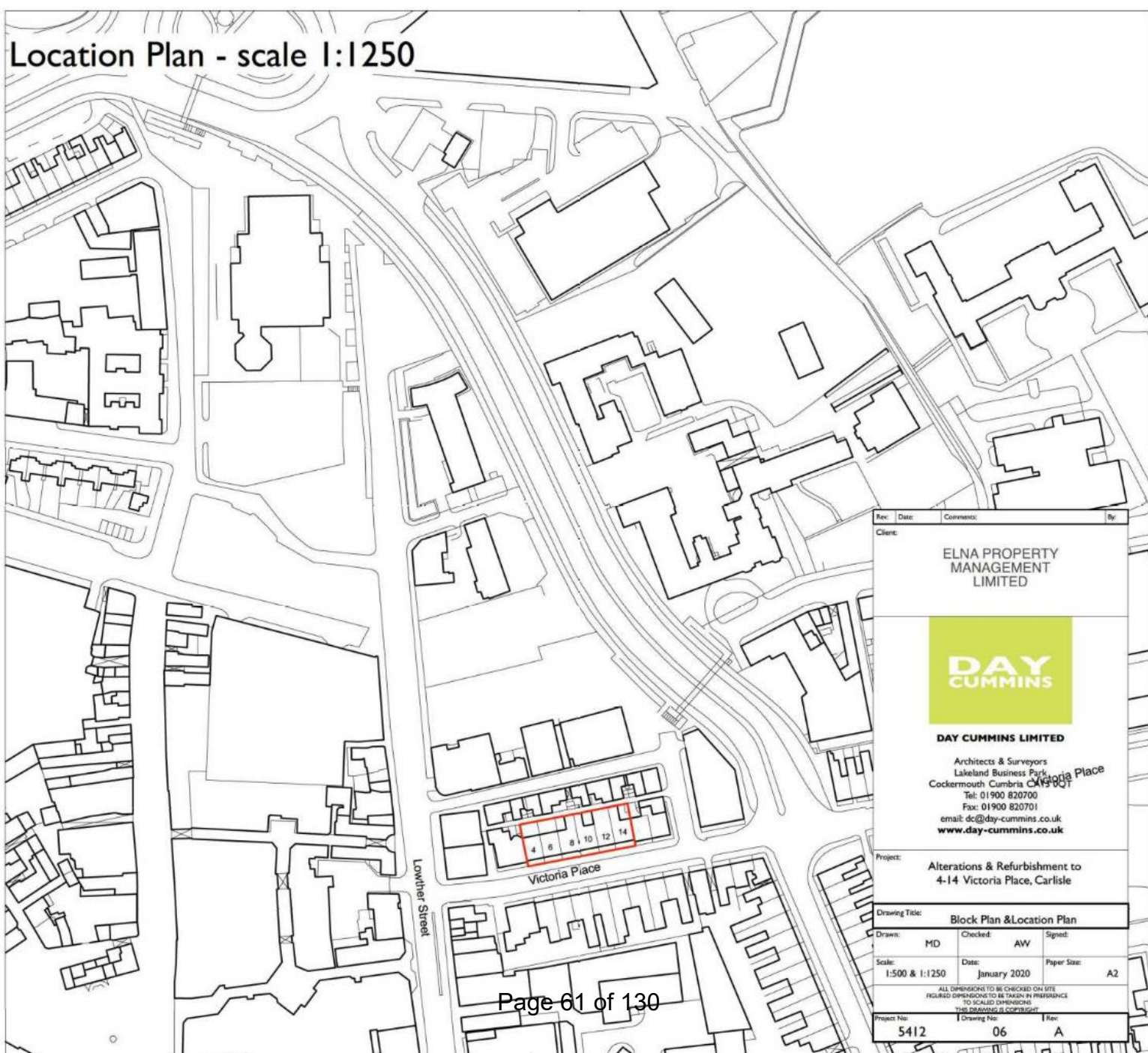
- 3. The bin storage area serving each property (shown on the Proposed Plans and Elevations Drawing no. 02 Rev G) shall be provided, together with appropriate refuse receptacles, prior to the first occupation of each individual

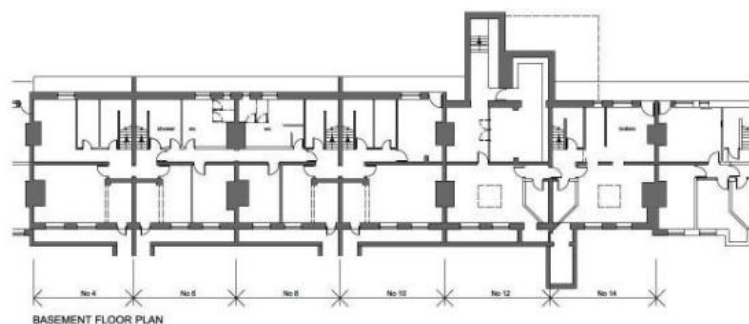
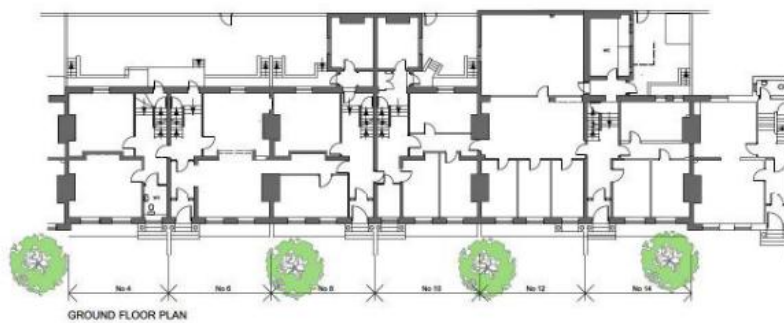
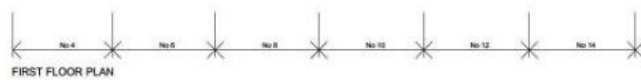
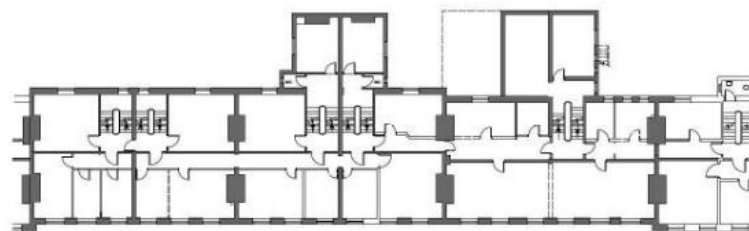
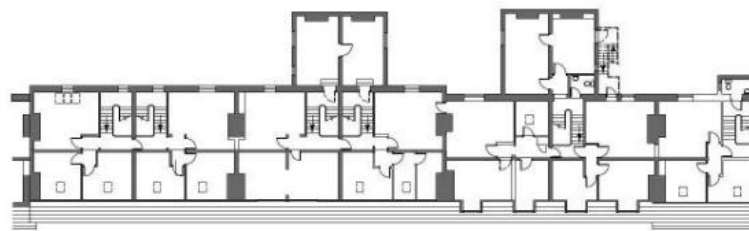
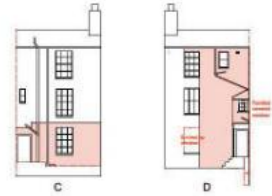
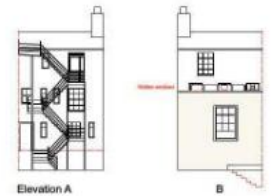
property and shall be retained thereafter.

Reason: To ensure that adequate provision is made for refuse in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

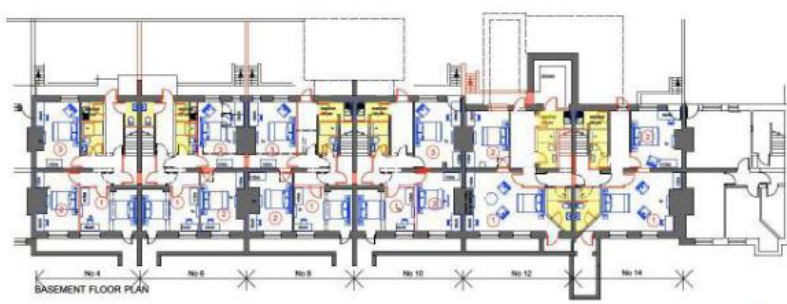
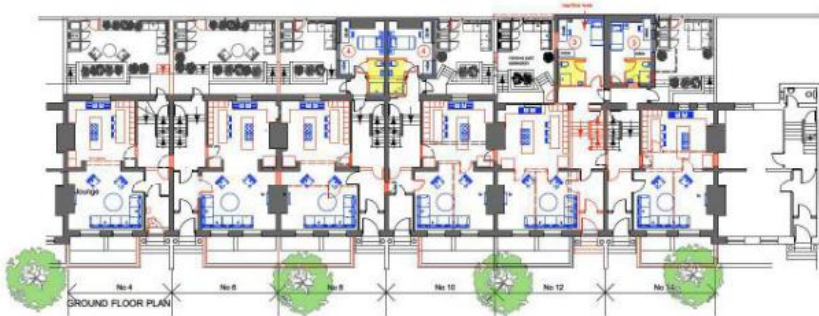
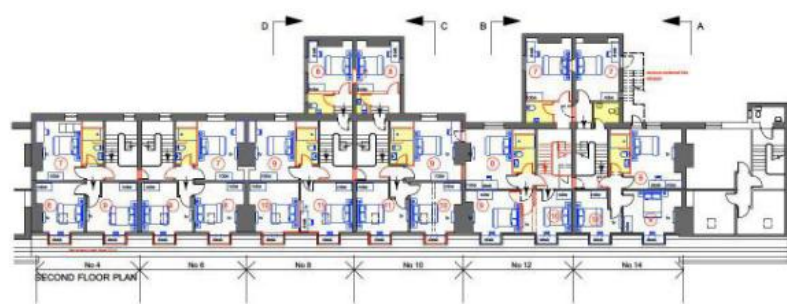
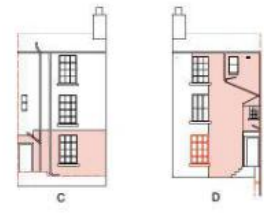
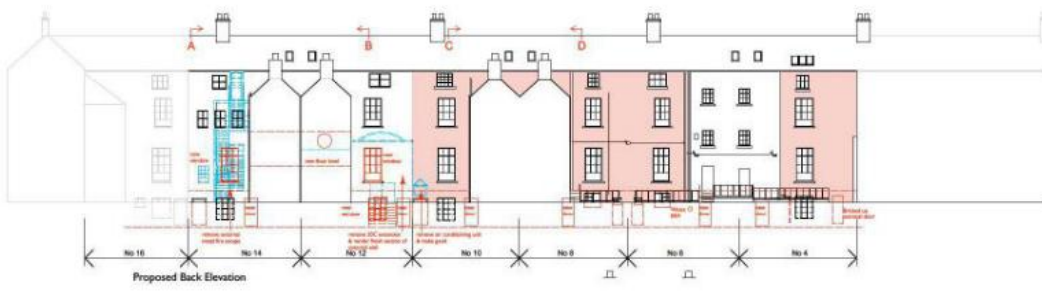
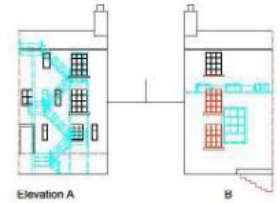
4. No work associated with the construction of the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

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



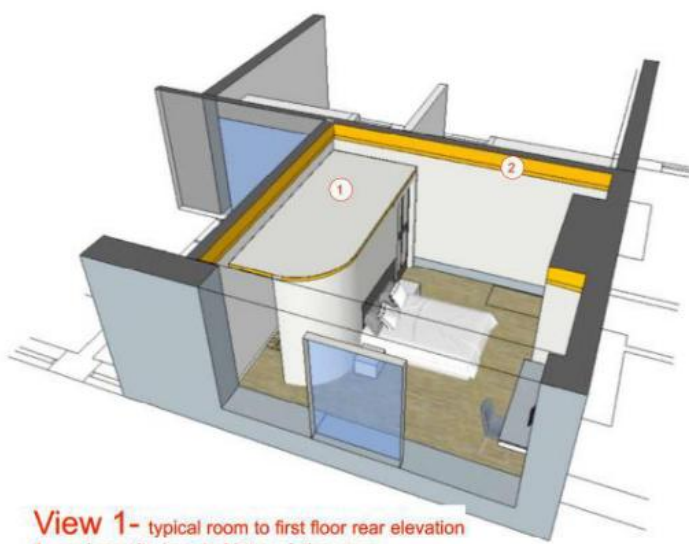


No.	Date	Comments	No.
<p>Client:</p> <p>ELNA PROPERTY MANAGEMENT LIMITED</p>			
<p>DAY CUMMINS</p> <p>DAY CUMMINS LIMITED</p> <p>Architects & Surveyors Lifford Business Park Caldershead, Carrislea, CA13 9QT Tel: 01900 820700 Fax: 01900 820701 email: d@day-cummins.co.uk www.day-cummins.co.uk</p>			
<p>Project:</p> <p>Alterations & Refurbishment to 4-14 Victoria Place, Carlisle</p>			
<p>Drawing Title:</p> <p>Existing Plans and Elevations</p>			
Drawn:	HD	Checked:	AW
Scale:	1:200	Date:	January 2020
		Page No.:	A1
<p>All references to be checked and any relevant correspondence or drawings to be reviewed prior to construction.</p>			
Project No.:	5412	Drawing No.:	01



- no 4 - Nine rooms
gross internal area 284.1m²
- no 6 - Nine rooms
gross internal area 284.1m²
- no 8 - Eleven rooms
gross internal area 348.5m²
- no 10 - Eleven rooms
gross internal area 348.5m²
- no 12 - Ten rooms
gross internal area 359.7m²
- no 14 - Ten rooms
gross internal area 349m²
- total - 60 Rooms**
lounge/dining, shower rooms
& laundry to each townhouse

Rev	Date	Comments	By
Client:			
ELNA PROPERTY MANAGEMENT LIMITED			
			
DAY CUMMINS LIMITED Architects & Surveyors Lakeland Business Park Cockermouth Cumbria CA13 0QT Tel: 01900 820700 Fax: 01900 820701 email: dc@day-cummins.co.uk www.day-cummins.co.uk			
Project: Alterations & Refurbishment to 4-14 Victoria Place, Carlisle			
Drawing Title: Proposed Plans and Elevations			
Drawn:	PD	Checked:	AVV
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Project No:	5412	Drawing No:	02
		Rev:	G



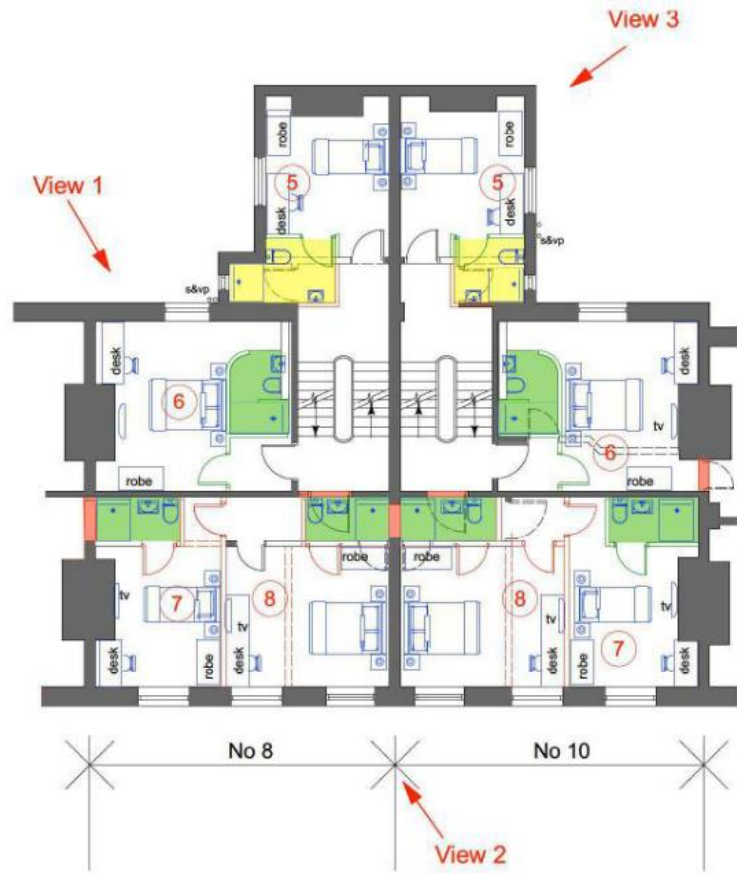
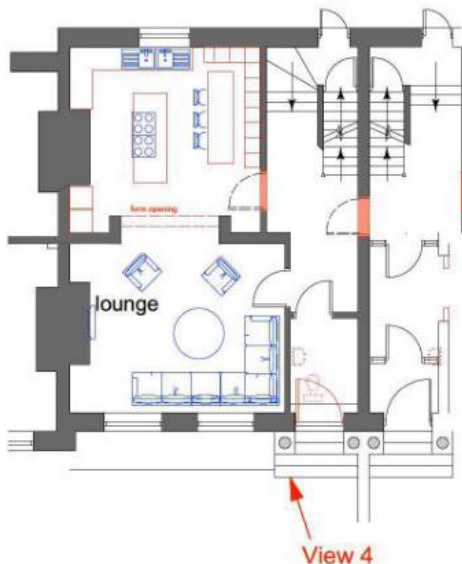
View 1 - typical room to first floor rear elevation
1 - pod ensuite inserted into existing room
2 - Existing cornice



View 2 - typical room to first floor front elevation
1 - pod ensuite inserted into existing room
2 - Existing cornice



View 4 - typical ground floor lounge/kitchen
1 - form new opening in existing archway (as house 6 - see photo)



View 3 - typical room to first floor rear elevation
1 - pod ensuite inserted into existing room
2 - Existing cornice

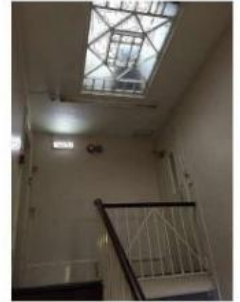
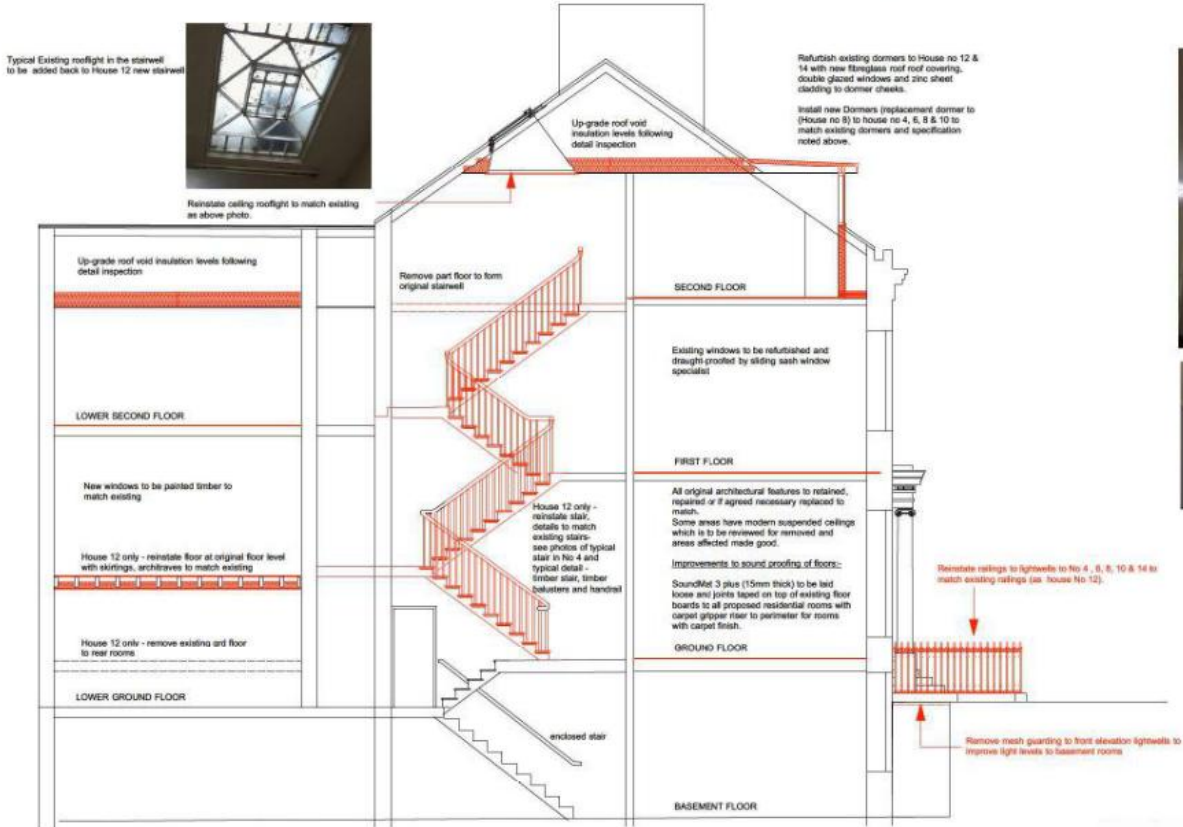


Example of archway feature treatment - House no 6

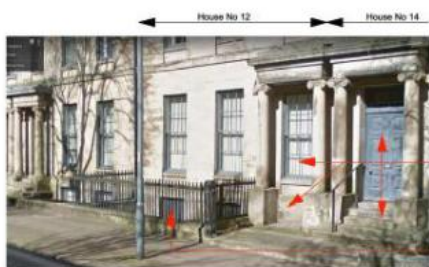
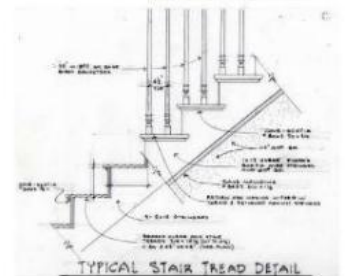
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ELNA PROPERTY MANAGEMENT LIMITED			
			
DAY CUMMINS LIMITED			
Architects & Surveyors Lakeland Business Park Cockermouth Cumbria CA13 0QT Tel: 01900 820700 Fax: 01900 820701 email: dc@day-cummins.co.uk www.day-cummins.co.uk			
Project:			
Alterations & Refurbishment to 4-14 Victoria Place, Carlisle			
Drawing Title:			
Typical ensuite & Ground floor			
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Project No:	5412	Drawing No:	04



Existing dormers houses 12 & 14 front elevation - to be refurbished and new dormers added to match on houses 4,6,8 & 10



Typical stair to be added back to house 12



Reinstate front door to No 12 and front door stone steps to match original doorsteps (as house No 14)

Reinstate ratings to lightwells to No 4, 6, 8, 10 & 14 to match existing ratings (as house No 12)

Remove mesh guarding to front elevation lightwells to improve light levels to basement rooms



Rev	Draw	Comments	By
Client: ELNA PROPERTY MANAGEMENT LIMITED			
DAY CUMMINS LIMITED Architects & Surveyors Lakeland Business Park Cuddephunth, Carlisle, CA13 9QT Tel: 01900 830700 Fax: 01900 830701 email: dc@day-cummins.co.uk www.day-cummins.co.uk			
Project: Alterations & Refurbishment to 4-14 Victoria Place, Carlisle			
Drawing Title: Proposed Section			
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Project No: 5412	1 Drawing	03	Rev: [Signature]

SCHEDULE A: Applications with Recommendation

20/0246

Item No: 03

Date of Committee: 06/11/2020

Appn Ref No:
20/0246

Applicant:

Parish:
Carlisle

Agent:
Day Cummins Limited

Ward:
Cathedral & Castle

Location: 4-14 Victoria Place, Carlisle, CA1 1ER

Proposal: Change Of Use Of Redundant Office Building To Form 6no. Houses Of Multiple Occupation Together With Various Internal And External Alterations (LBC)

Date of Receipt:
16/04/2020

Statutory Expiry Date
11/06/2020

26 Week Determination
18/09/2020

REPORT

Case Officer: Richard Maunsell

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Impact Of The Development On The Heritage Asset

3. Application Details

The Site

- 3.1 The application site relates to 4-14 Victoria Place, Carlisle which are six properties within a terrace of nine, three storey building with basements. The buildings are within the city centre set on a back of pavement linear form along Victoria Place, a main thoroughfare leading east. The buildings date from 1852-54 and are located within the Portland/ Chatsworth Square Conservation Area. The terrace was constructed in an early Victorian era but are of Georgian appearance. This area of Victoria Place is characterised by its linear form, established building line and tree lined street.

- 3.2 The buildings were originally constructed as townhouses which comprised of living accommodation, servants' quarters and working areas to the houses spread over a basement, ground and first floor with attic accommodation in the roofspace. The buildings have been subject to a variety of alternative uses over the years and the subsequent alterations to the buildings to facilitate these uses have eroded this historic character to a greater or lesser degree.
- 3.3 The buildings are constructed from ashlar sandstone under a slate roof and face directly onto another terrace on the opposite side of the road. The entrances are characterised by a porch with column supports. The windows to the front elevations are timber sliding sash with glazing bars. To the rear, the construction is brick in English garden wall bond. Some of the outriggers have been removed and the rear elevations have been rendered. A number of modern alterations are evident such a single storey extension, rebuilding of outriggers, fire escapes and blocking up of basement openings. Windows are a mix of original timber sliding sash and modern timber casement windows. To the rear of the buildings are a small courtyard which leads onto a lane that separates Victoria Place from Chapel Street.

The Proposal

- 3.4 The buildings have been vacant for several years following the relocation of the previous occupant, Burnetts Solicitors. Listed building consent is sought for the change of use of redundant office building to form 6no. houses of multiple occupation together with various internal and external alterations.
- 3.5 The proposed alterations to the buildings are detailed in the Design & Access Statement accompanying the application and include (although not limited to):
- the reinstatement of individual townhouses with the infilling of doorways on the party walls and garden walls/ garden gates;
 - the removal of external fire escape stair to No. 14 and removal of the ground floor extension to No. 12 to return to the original building line and the reinstatement of windows and the ground & first floor to the original floor levels;
 - reinstate a staircase to No. 12 in the original location to serve all floor levels;
 - remove various partitions and in principle rooms (e.g. ground floor) reinstate to original wall lines;
 - form openings in archway features (at ground floor) to provide open plan lounge/kitchen (to match detail in house 6);
 - make all front doors operational and replace the window in No. 12 with a front door to match the original front door;
 - replacement and addition of dormer windows to the front roof elevation of all units to provide additional daylight and up-grade insulation levels and re-cladding with zinc cladding panels;
 - insert ensuites/bathrooms within existing rooms as a pod;
 - insert escape doors (to the rear of basements) and partition walls;
 - refurbish yard areas with raised planters, fixed seating to provide external amenity space for residents;

- all insertions will be scribed around architectural features to allow removal if required without damage to the original feature.

4. Summary of Representations

4.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers 14 of the neighbouring properties. In response, two letters of objection have been received and the main issues raised are summarised as follows:

1. there are an excess number of bedsits which could potentially lead to more than 100 people living here if occupied by couples which will put a strain on local resources;
2. the development will give rise to increase noise levels;
3. the yard from the lane could not comfortably house the recycling/ bins. Who would be responsible for taking them out from the yard at the back of the property down the lane and on to the street for collection? This would be a hazard on the day of collection on the public paths and it not regularly looked after, give rise to smell and vermin issues;
4. traffic and parking has also been a longstanding issue in the area with residents struggling to park with shoppers visiting the city centre. This has been somewhat resolved recently with the introduction of residents only parking;
5. where are these potential 63 plus new residents going to park? There will be again high demand for the few free spaces in the area. There is also likely to be increase of cars pulling over outside this properties dropping off and picking up residents on an already constantly busy road where stopping isn't permitted;
6. as Grade II* listed the renovation to include 63 bedsits within 6 properties would not be achievable within the keeping of the guidelines, health and safety (appropriate access and fire escapes etc.) or within the spirit of listed properties, surely rooms being divided etc., would cause damage to ceiling features and other characteristics;
7. there is no objection to these buildings being residential properties such as houses or apartments as long as they are in keeping with the surrounding buildings and Grade II* characteristics which also have a reasonable number of residents. However 63 bedsits is an excessive number of people crammed into these properties, with minimal outdoor space for refuse and recycling. No allocated parking and an increase pressure on surrounding roads and parking and an increase of noise.

5. Summary of Consultation Responses

Historic England - North West Office: - the following comments have been received:

Summary

The applicant seeks permission to carry out works to convert 4-14 Victoria Place in Carlisle from an office to a residential use, as well as for the

associated internal and external alterations. The properties form part of a terrace of nine mid-nineteenth century houses, of exceptional architectural significance.

Historic England remains supportive of the proposals to bring the buildings back into their historic residential usage, and notes that the amendments proposed have improved the impact of the scheme on the significance of the listed building. However, given that the amendments are relatively minor in scope, they are not identified to have fully addressed the previously identified concerns. Historic England therefore continues to express some concerns in relation to proposed internal subdivision, which need to be weighed against the public benefits of the proposals.

Historic England Advice

Significance

As set out previously, 4-14 Victoria Terrace form six of a terrace of nine houses, which form an attractive architectural set piece, and are listed grade II*. They form part of a wider group of early Victorian buildings, which together allow an understanding of the nineteenth century character and evolution of Carlisle, and make an important positive contribution to the Chatsworth Square and Portland Square Conservation Area.

Impact

In a previous response, Historic England stated that they were supportive of the principle of returning the terrace from an office use to a residential one, particularly as the internal alterations would physically subdivide the building on historic lines, to re-establish the division between the six original houses. However, concerns were raised in relation to two elements; the subdivision of the principal rooms at first floor, and the introduction of individual ensuite pods into these rooms.

The revisions have removed some of the subdivision from two of principal first floor rooms (in numbers 8 and 10), and are therefore considered to be an improvement on the previously submitted scheme, as they would allow the form and character of these rooms to be better experienced. However, these changes are relatively minor in their scope and do not fully address the wider concerns previously raised. Therefore, while the revised proposals are considered to improve the impact which the scheme has on the significance of the listed building, they are not identified to fully resolve the previous concerns.

Policy

National policy relating to the conservation and enhancement of the historic environment is articulated in section 16 of the National Planning Policy Framework. This is supported in local planning policy, in this instance set out within the Carlisle District Local Plan (adopted 2015).

Position

Historic England continues to be supportive of both the proposed residential

use of the building, and the proposal to re-establish the historic internal subdivision between the six dwellings. However, we would reiterate our previously stated concerns in relation to the extent of additional subdivision proposed to facilitate this conversion. It is however accepted that the optimum use for the building from a heritage perspective, its conversion back into six houses, is not considered to be viable, due to factors such as the lack of associated parking or associated external private space. A degree of additional subdivision is therefore identified to be necessary.

Historic England concludes that while the proposals would result in some harm to the significance of the listed building, there is also considerable heritage benefit to the principal of what is proposed. If the local planning authority concurs with the applicant that this heritage benefit is only deliverable from a scheme that causes the identified harm, we would accept that the identified benefits would outweigh the harm caused.

Recommendation

Historic England would still identify concerns regarding the application on heritage grounds, and consider that the issues and safeguards outlined in the advice need to be justified in order for the application to meet the requirements of paragraphs 184 and 193 of the NPPF. In determining this application, the council should bear in mind the statutory duty of sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting, and to the desirability of preserving or enhancing the character or appearance of conservation areas;

National Amenity Society: - no response received;

Georgian Group - Amenity: - no response received;

Ancient Monument Society - Amenity: - no response received;

Council for British Archaeology - Amenity: - no response received;

Twentieth Century Society - Amenity: - no response received;

Victorian Society - Amenity: - no response received.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies of SP7 and HE7 of the

Carlisle District Local Plan 2015-2030 are also relevant. Section 66 of the Planning (Listed Building and Conservation Areas) is also a material planning consideration. The proposal raises the following planning issues.

1. The Impact Of The Development On The Heritage Asset

- 6.3 Pursuing sustainable development involves seeking positive improvements in the quality of the historic environment (paragraph 8).

Impact Of The Proposal On The Character And Setting of the Grade II* Listed Buildings

- 6.4 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.5 Paragraph 195 of the NPPF states that local planning authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.6 Criteria 7 of Policy SP7 seeks to ensure that development proposals safeguard and enhance conservation areas across the District. Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- i) the significance of the heritage asset and the contribution made by its setting

- 6.7 The buildings are Grade II* listed buildings and the description reads:

“Includes: No.2 ALBERT STREET. Terrace of 9 houses (one on the return), now offices, club and house. 1852-4. Calcareous sandstone ashlar on moulded plinth, with string course, cornice and dwarf parapet. Graduated slate roof with some skylights and C20 boxed dormers; shared ridge brick chimney stacks, partly rebuilt or heightened. 2 storeys, 3 bays each, except No.2 Albert Street which is 2 bay. Right and left paired doorways have panelled door and overlights, up steps, in prostyle Ionic porches. Sash windows, most with glazing bars in plain stone reveals over recessed aprons. Cellar windows under ground floor windows, the voids of No.12 and No.18 with cast-iron patterned railings. No.12 has door replaced by sash window, but within porch. The end of the terrace Nos 16 and 18 project slightly from

the rest of the terrace of No.2 at the other end. 2-bay return of No.18 is on Albert Street and continues as No.2 Albert Street with right panelled door and overlight in pilastered surround. Sash windows in plain reveals. Railed cellar void carried round from No.18. INTERIORS not inspected. See description of Nos 3-17 for further details. This terrace is not on the 1851 census, but appears on Asquith's Survey of Carlisle 1853. The Carlisle Journal (1852) records the finding of Roman remains in digging foundations for houses. The deeds for No.4, listing the builder, plasterer and joiner, are dated July 1854. No.12 formerly listed on 13.11.72. (Carlisle Journal: 28 May 1852)."

- 6.8 There are also a large number of listed buildings in the vicinity of this city centre location which includes both sides of Victoria Place together with the buildings to the north along the south side of Chapel Street.
 - ii) the effect of the proposed development on the settings of the listed buildings
- 6.9 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA).
- 6.10 The TSHA document and the NPPF make it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 6.11 The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the impact of a proposal on a heritage asset (paragraph 194). However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.12 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjoining listed buildings and settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.13 A key objective in the NPPF is "*the desirability of sustaining and enhancing the significance of heritage assets*" (paragraph 126). The NPPF advises that the more significant the heritage asset the greater weight should be given its conservation (paragraph 132). In 2008, English Heritage issued Conservation Principles which in part explains the importance of understanding what is significant before making changes to a historic building. The document sets out four main aspects of significance: evidential (or archaeological), historical,

aesthetic and communal. In accordance with the Conservation Principles, the Heritage Statement outlines that there are four main categories of significance that can be measured:

“Exceptional – an asset important at the highest national or international levels, including scheduled ancient monuments, Grade I and II Listed buildings and World Heritage Sites. The NPPF advises that substantial harm should be wholly exceptional.*

High – a designated asset important at a national level, including Grade II listed buildings and locally designated conservation areas. The NPPF advises that substantial harm should be exceptional.

Medium – an undesignated asset important at local to regional level, including buildings on a Local List (non statutory) or those that make a positive contribution to a conservation area. May also include less significant parts of listed buildings. Buildings and parts of structures in this category should be retained where possible, although there is usually scope for adaptation.

Low – structure or feature of very limited heritage value and not defined as a heritage asset. Includes buildings that do not contribute positively to a conservation area and also later additions to listed buildings of much less value.

Negative – structure or feature that harms the value of heritage asset. Wherever practicable, removal of negative features should be considered, taking account of setting and opportunities for enhancement.”

- 6.14 The proposal involves works to the listed building which are summarised in paragraph 3.5 of this report. Historic England initially commented that:

“Historic England is therefore supportive of both the proposed residential use of the building, and the proposal to re-establish the historic internal subdivision between the six dwellings.

However, we would express concerns in relation to the proposed internal configuration at first floor, which is comparatively invasive, and would serve to erode the ability to understand the historic character and form of the important first floor rooms.

This impact could be avoided if the terrace was converted back into six houses, which would be our preference. However, we have previously accepted that this use is unlikely to be viable, given the lack of sufficient external space or parking provision. We would therefore accept that a degree of additional subdivision will be necessary to bring the building back into active use, even if this will in part have a negative impact on the architectural character of the building. We would also acknowledge that the interior of the building has already been altered in an unsympathetic manner.

However, any harm is a material consideration, and any application should demonstrate that this harm is both necessary, and has been mitigated as far

as possible. We would therefore suggest that further consideration is given to whether a layout that did not require the subdivision of the principal rooms at first floor or the introduction of ensuite 'pods' could be achieved, particularly by reducing the number of bedrooms and proposing a greater number of shared bathroom facilities.

If the applicant contends that these changes to the layout cannot be achieved, the local authority should consider whether they feel that the supporting justification is clear and convincing, and whether the heritage benefit delivered by the proposal is only achievable from a scheme that causes the identified harm."

- 6.15 The Heritage Statement provides an appraisal of the different areas and features within the buildings and categorises them as being of high significance, moderate/ medium significance, low/ medium significant. The principal elevations are classified as high significance and this is a consistent status across all the levels. Within the buildings themselves, the basement is of low and low/ medium significance which is reflective of the historical functional nature of the space. The ground floor is generally of high significance with the exception of some internal doors, architrave and stud partitions which are of low and low/ medium significance. This is reflected on the first floor with chimney breasts, fire places and ornate coving and ceiling roses attaining high significance but again, internal doors, architrave and stud partitions being of low and low/ medium significance. The staircases leading to the attic space of high significance but the remainder is of low/ medium and moderate/ medium significance, again this is reflective of the historical use as servants quarters or small bedrooms.
- 6.16 The scheme has been amended following the initial submission further to the comments made regarding the first floor principle rooms with alterations to Nos. 8, 10, 12 and 14 first floor rooms to introduce pod bathrooms and a reduction in the number of bedrooms in Nos. 8 and 10.
- 6.17 The detailed Heritage Statement which has been submitted in support of this application highlights that over the years, the buildings have been subject to physical alteration and change to adapt to their alternative uses. Fundamentally, the main physical changes proposed under this application are the subdivision of the former board room between Nos. 12 and 14, the formation of dormer windows and the installation of ensuite pods. The remaining works are considered to be sympathetic alterations to the buildings such as the removal or reversal of modern additions and repair to the fabric of the building.

- 6.18 The Heritage Statement concludes that:

"My conclusions have found that Victoria Place is a significant heritage building with elements of the highest significance and therefore most sensitive to change is its principal elevations, in particular the Victoria Place elevation which for the most part will remain unchanged. The building merits is listing at grade II and whilst the building has been impacted by a number of later changes which have irrecoverably changed the overall aesthetic of*

the building, there is recognition that a programme of sympathetic regeneration and comprehensive internal upgrading is required to enable the building to be reinstated back to its intended use as residential. The slight internal reordering of spaces and decorative uplifting would help ensure that the building is attractive making a positive contribution to the local area."

- 6.19 The issue in determining such applications is making a balanced planning judgement which in this instance relates to the less than substantial harm that would occur as a result of the works to the building offset by the fact that the development would allow the viable reuse of the building rather than the continued period of vacancy of potential deterioration of the building. This point is highlighted in the Historic England's response and when asked specially to comment on this, the council's Conservation Officer advised that:

"The issues to me are that the buildings have sat idle for a couple of years now, and have been actively marketed, but with little interest. The lack of parking possibly limits appeal, as does Carlisle's depressed market and a number of other former commercial listed buildings being available elsewhere...(Portland Square). The benefits of this scheme are the removal of significant partitioning and approved works to the gf, which reinstates these spaces, and overall re-use of the building. The most significant ff rooms are to the front of buildings 8-14 with 4 and 6 already subdivided. The proposals reveal the proportions of ff rooms at 8 and 10, albeit with bathroom pods to all frontage rooms. The bathroom pods are designed at our request to have curved edges and stop short of the ceilings and cornices – emphasising them as insertions into the space. This mitigates somewhat against the subdivision originally proposed which was conventionally boxy.

On balance, the removal of gf partitioning and some ff partitioning outweighs the impact on room proportions arising from the pods. I do not think the applicant's have clearly conveyed this but on aggregate I would consider the works to be of beneficial to revealing the significance of the building, and the original spatial arrangements."

- 6.20 A number of conditions are proposed including the requirement to provide scale drawings of the dormer windows, submission of further window details, details of any mechanical extraction systems, an obligation to record the building to Historic England Level 3, use of lime mortar for any interior or exterior brickwork, agreement of insulation to attic spaces and any rewiring or plumbing to be made good in lime plaster. In this context, it is considered that the proposal (in terms of its location, scale, materials and overall design) would not be detrimental to the immediate context or outlook of the aforementioned adjacent listed buildings.

Conclusion

- 6.21 Historic England has raised some relevant issues in the consideration of this application. Unquestionably, the significance and integrity of heritage assets need to be properly taken account of and protected as part of any development proposal. In determining this application, a planning balance has to be made which in this instance primarily relates to the less than

substantial harm that would occur as a result of the works to the building offset by the fact that the development would allow the viable reuse of the building rather than the continued period of vacancy of potential deterioration of the building. The building has remained vacant for a considerable period of time with little prospect of that changing. It is accepted that some alterations are necessary to convert the building and make it practical and viable for an alternative use, one which will secure the future of this heritage asset. Historic England has not objected to the application, rather they would prefer to see the development undertaken in a different manner which is reasonable; however, based on the foregoing assessment and subject to the imposition of conditions, it is considered that an appropriate equilibrium has been struck between the conversion and future use of the buildings together with the protection of the heritage assets and would be of wider public benefit. In overall terms the proposal would not be detrimental to the character or setting of any listed building and in all aspects the proposal is considered to be compliant with the objectives of the NPPF and the relevant local plan policies.

7. Planning History

- 7.1 Historically there have been several applications for planning permission for alterations to the buildings.
- 7.2 More recently, in 2002, listed building consent was granted for the creation of link doors at ground floor and 1st floor between 14 and 16 together with additional internal alterations.
- 7.3 An application is currently being considered for planning permission for the change of use of redundant office building to form 6no. houses of multiple occupation under application 20/0245.

8. Recommendation: 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 Listed Building Application Form received 20th April 2020;
 - 2. the Block Plan & Location Plan received 15th April 2020 (Drawing no. 06 Rev A);
 - 3. the Proposed Plans and Elevations received 9th July 2020 (Drawing no. 02 Rev G);
 - 4. the Typical Ensuities & Ground Floor received 9th April 2020 (Drawing no. 04);
 - 5. the Proposed Section received 9th April 2020 (Drawing no. 03);
 - 6. the Design and Access Statement received 9th April 2020;

7. the Heritage Statement received 9th April 2020;
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 consent.

3. All new windows and doors to be installed in the extension to the listed building shall strictly accord with detailed drawings and specifications that shall first have been submitted to and approved in writing by the local planning authority. Such details shall include the frames, means of affixing to the wall, the size and opening arrangements of the window, the method of glazing, frames, cill and lintol arrangement.

Reason: To ensure that the works harmonise as closely as possible with the listed building, in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

4. Prior to the carrying out of any construction works, the following elements of the historic fabric of the building, which will be impacted upon by the development, shall be recorded in accordance with a Level 3 Survey as described by Historic England's document 'Understanding Historic Buildings A Guide to Good Recording Practice, 2016': Within 2 months of the commencement of construction works a digital copy of the resultant Level 3 Survey report shall be furnished to the local planning authority.

Reason: To ensure that a permanent record is made of the buildings of architectural and historic interest prior to their alteration as part of the proposed development, in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

5. All new mortar and plaster used in the repairs/ refurbishment of the listed buildings, hereby approved, shall be lime mortar without the use of cement, coloured and of a type, mix and joint finish matching in accordance with details which have been submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure the works harmonise as closely as possible with the existing building in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

6. Prior to the installation of any mechanical ventilation extraction system, their details shall be submitted to and approved in writing by the local planning authority. Development shall be undertaken in strict accordance with these approved details.

Reason: In order to safeguard the character and apperance of the listed building in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

SCHEDULE A: Applications with Recommendation

20/0540

Item No: 04

Date of Committee: 06/11/2020

Appn Ref No:
20/0540

Applicant:
Mr Derek Johnston

Parish:
Wetheral

Agent:
Architects Plus (UK) Ltd

Ward:
Wetheral & Corby

Location: Fairfield Cottage, Wetheral, Carlisle, CA4 8HR

Proposal: Erection Of Garage; Resiting Of Existing Vehicular Access From Highway And Associated External Works To Improve Parking And Turning Within Front Forecourt (Revised Application)

Date of Receipt:
07/08/2020

Statutory Expiry Date
02/10/2020

26 Week Determination

REPORT

Case Officer: Alanzon Chan

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Whether The Scale And Design Is Acceptable
2.2 Impact Of The Proposal Upon The Living Conditions Of Neighbouring Residents
2.3 Impact Of The Proposal On Highway Safety

3. Application Details

The Site

- 3.1 This application relates to a residential property, Fairfield Cottage, located at Wetheral Pasture, Carlisle. The site is currently bound by a 1m high brick wall to the front. There is currently a single storey detached garage/store located to the northwest corner of the site, abutting Steele's Bank which is a B class road (B6263).

Background Information And The Proposal

- 3.2 Under application 19/0513, planning permission was refused for the erection of a detached outbuilding, comprising of a double garage on the ground floor and an office in the roof area, and the re-siting of the access. The application was refused predominantly due to the scale of the proposed roadside outbuilding; it was considered that the proposed roadside outbuilding would not be a subservient addition and it would not complement the existing dwelling or the visual amenity of the area.
- 3.3 This is a revised application submitted by the applicant for the erection of a garage, relocation of the existing vehicular access from highway and associated external works to improve parking and turning within the front forecourt.

4. Summary of Representations

- 4.1 This application has been advertised by means of notification letters sent to two neighbouring properties. A letter of support was received during the advertisement period, expressing the view that the design is in keeping with the area and moving the access will not be detrimental to highway safety.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): No objection

Northern Gas Networks: No comments received

Wetheral Parish Council: No comments received

6. Officer's Report

Assessment

- 6.1 Section 70 (2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), and Policies HO8 and SP6 of the Carlisle District Local Plan 2015-2030.

The proposal raises the following planning issues:

1. Whether The Scale And Design Would Be Acceptable
- 6.3 Section 12 of the NPPF relates to the creation of well-designed places. Paragraph 127 of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not

just for the short term but over the lifetime of the development. In addition, decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and that the development will be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

- 6.4 Meanwhile, paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 6.5 This coincides with the objectives of the adopted CDLP Policies SP6 and HO8. Within Policy SP6 of the CDLP, criterion 1 requires that planning proposals to respond to the local context and the form of surrounding buildings in relation to density, height, scale, massing and established street patterns, and by making use of appropriate materials and detailing. Criteria 2 and 3 of this policy also state that proposals should respect local character and distinctiveness. Criterion 5 continues to emphasise the importance that all components of the proposal shall be well integrated with its surroundings.
- 6.6 Meanwhile, Policy HO8 of the CDLP seeks to ensure that house extensions and alterations are designed to relate to and complement the existing building in scale, design, form and materials (criterion 1) and maintain the established character and pattern of the street scene and be a positive addition (criterion 5). The design of an extension should respond to the characteristics of the specific site, as well as the distinctiveness of the wider setting. As such, whether or not the scale of an extension will be considered acceptable will depend on the size of the plot, the size of the original dwelling and the impact on neighbours and the street scene.
- 6.7 In terms of scale, whilst the proposed garage would still be abutting the roadside, the applicant has significantly reduced the height and width of the proposed roadside outbuilding. The proposed roadside outbuilding would have the same height as the existing garage and store. Consequently, the impact of the proposal on the openness of the area would be vastly reduced.
- 6.8 Although it is noted that the front boundaries to dwellings along this part of Wetheral Pasture are predominantly defined by trees and shrubs, low walls and hedges, given that the scale of the revised roadside outbuilding would now be comparable to the existing garage/store, it is considered the concerns raised under application 19/0513 would therefore be overcome. Overall, it is not considered that the adverse impact of the proposal upon the visual amenity of the area would be significant enough to warrant a refusal of this application.
- 6.9 In terms of design, the proposed outbuilding will be partially finished in stone and partially finished in render to match the finishes of the main dwelling and the existing roadside garage. The proposed structure will have a natural slate roof which matches the main dwelling. In light of this, the proposed materials

are considered to be acceptable.

2. Impact Of The Proposal Upon The Living Conditions Of Neighbouring Residents

- 6.10 The proposed structure is to be positioned at the front boundary of Fairfield Cottage, abutting Steele's Bank. Although it will be visible to neighbouring occupiers, there will be adequate distance between this proposed structure and the neighbouring properties to prevent any adverse impact on residential amenities.

3. Impact Of The Proposal On Highway Safety

- 6.11 The applicant has submitted a plan to demonstrate that a clear visibility splays of 60m in both directions, measured by 2.4 metres down the centre of the access, can be achieved for the proposed new access. Cumbria County Council, as the Highway Authority have been consulted on the application, and they have raised no objections to the proposal.

Conclusion

- 6.12 In overall terms, it is considered that the reduction in scale of the proposed outbuilding has successfully address the concerns raised under application 19/0513. Although the openness of the area would still be slightly affected by the proposal, it is not considered that the revised proposal would have an adverse impact upon the amenity of the area to an extent which is significant enough to warrant a refusal of this application. The application will not detrimentally affect the living conditions of any neighbours nor would it affect highway safety.
- 6.13 In all aspects, the proposal is considered to be compliant with the objectives of the relevant policies. Therefore, it is recommended that this application is approved with conditions.

7. Planning History

- 7.1 The following application is considered to be relevant to the assessment of this application:

19/0513 Erection Of Detached Double Garage With Office Above Together With Re-Siting Of Access. This application was refused on 11/10/2019.

The refusal reason reads:

Due to its scale and location, the proposed roadside outbuilding will not be a subservient addition, nor will it complement the existing dwelling. The proposed roadside outbuilding will reduce the openness of the area and have an enclosing impact upon Steele's Bank, which the front boundaries to dwellings along this part of Wetheral Pasture are predominantly defined by

trees and shrubs, low walls and hedges. The proposed roadside outbuilding will be an incongruous and unduly obtrusive feature in the street scene and harmful to the visual amenity of the area. The proposal will not have any benefits that would outweigh the harm caused upon the character of the dwelling and the street scene. The proposal will, therefore, contrary to Policies SP6 and HO8 of the Carlisle District Local Plan 2015-2030, and paragraphs 127 and 130 of the NPPF.

8. Recommendation: Grant Permission

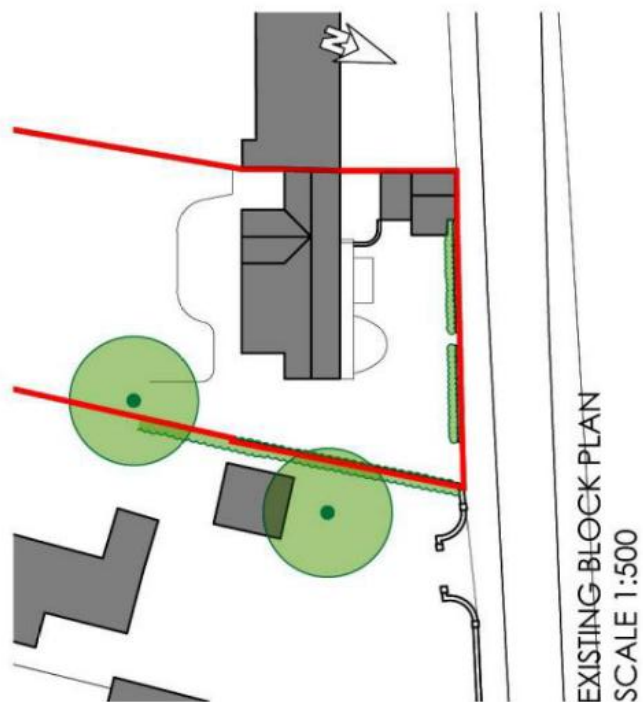
1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

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 10 August 2020;
2. the location and site plan (dwg no. 20014-03), received 10 August 2020;
3. the proposed site and elevation plan (dwg no. 20014-05), received 10 August 2020;
4. the proposed floor and elevation plan (dwg no. 20014-04), received 10 August 2020;
5. the design and access statement, received 10 August 2020;
6. the supporting statement, received 10 August 2020;
7. the Notice of Decision;
8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.



PRELIMINARY

ARCHITECTS PLUS

Project
NEW GARAGE AND OFFICE
FAIRFIELD COTTAGE, WEATHERAL PASTURE

MR D JOHNSTON

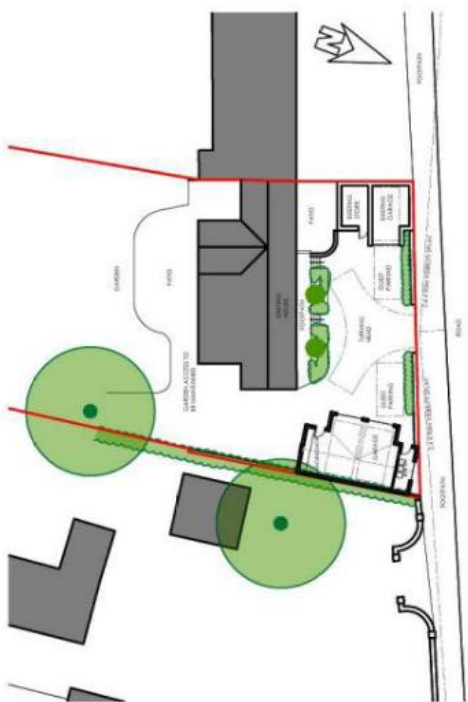
Engineering
EXISTING SITE PLAN AND ELEVATION
BLOCK AND LOCATION PLAN

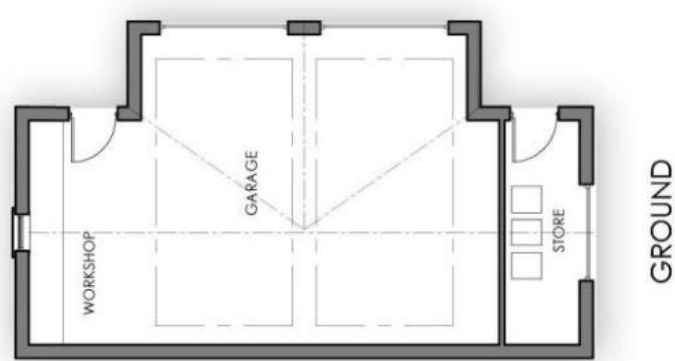
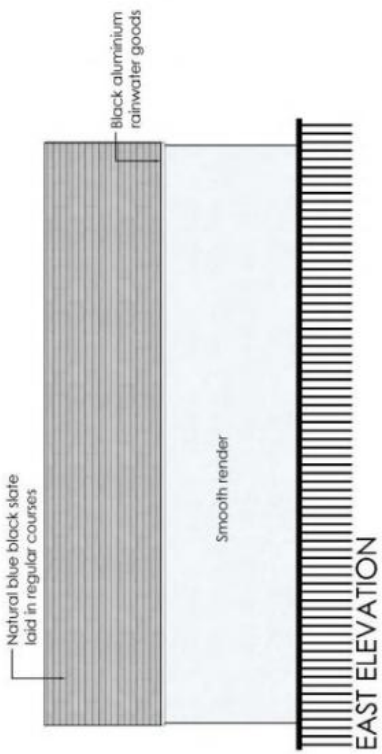
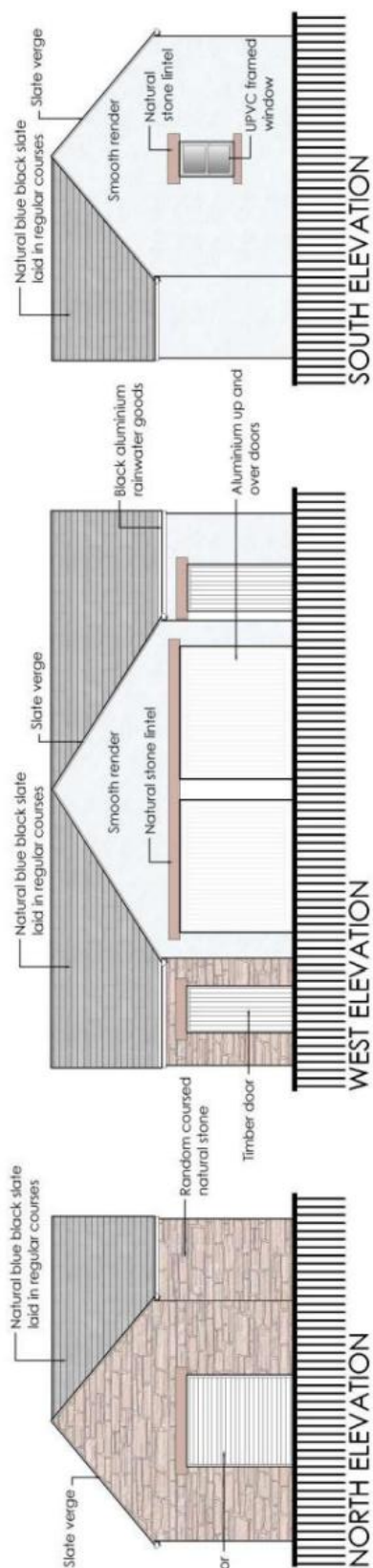
Scale	Date	Drawn	Comp. No.	Number
1:200	04/20	BG	P01	20014-03
1:500/1250				

www.zenonictipus.co.uk • ap@architectipus.co.uk • 01228 515144
Victoria Galleries, Victoria Woodstock Centre, Cambridge, CA3 8AH
Architects: Mr & Mrs J. L. Smith • Architects: Project: 001/2013/05



PROPOSED SITE PLAN
SCALE 1:200





NOTES:
Walls
Random coursed natural stone
Smooth render
Roof
Natural blue/black slate in regular coursing
Windows
UPVC framed casement window
Doors
Aluminium roller/up and over garage doors
UPVC doors
Boundary Treatment
Existing natural stone boundary wall to road to be retained.
Existing Leylandia hedge removed and existing laurel and hawthorn hedge extended to new garage.
Surface Treatment
Gravel forecourt with tarmac strip to new access

PRELIMINARY

ARCHITECTS PLUS

Project
NEW GARAGE AND ACCESS
FAIRFIELD COTTAGE, WEATHERAL PASTURE

Client
MR D JOHNSTON

Drawings
PLAN AND ELEVATIONS

Scale	Date	Drawn	Checked	Number
1:100	04/20	BG	P01	20014-04

www.architectsplus.co.uk • 0800architectsplus.co.uk 1 01228 531144

Studio: Collette, Victoria (0800) 0800architectsplus.co.uk
Architect: (01) 1010101 / 01228 531144

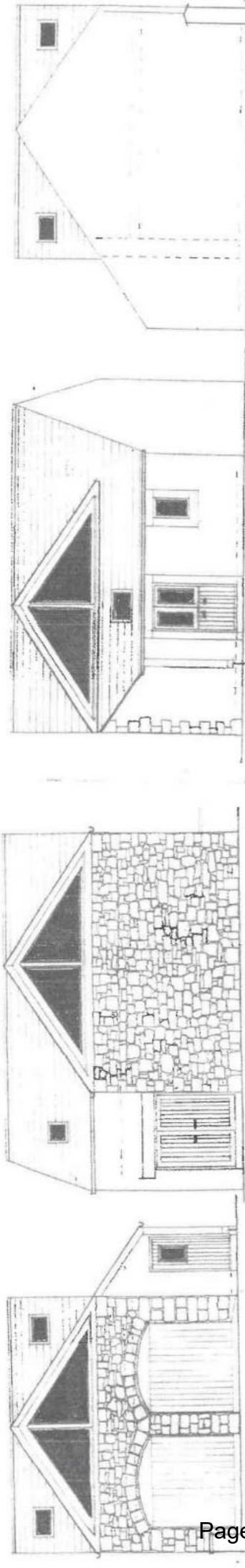
19/05/13

The original proposal that was refused under application (19/0513)

For reference only



FAIRFIELD COTTAGE
WETHERBY PASTURE
CARLISLE CA. 24R
PROPOSED NORTH ELEVATION
1.100 @ A3 D/A 19.05.06



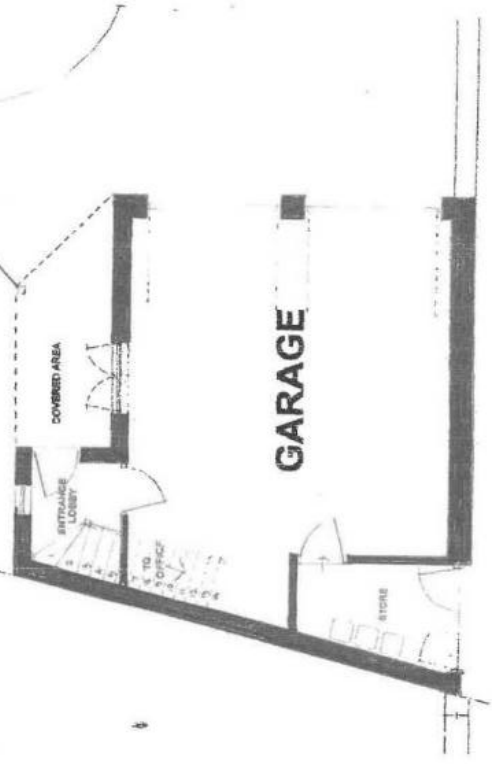
WEST ELEVATION

NORTH ELEVATION

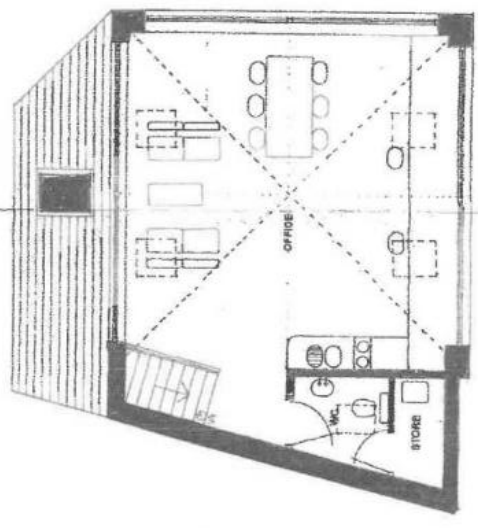
SOUTH ELEVATION

EAST ELEVATION

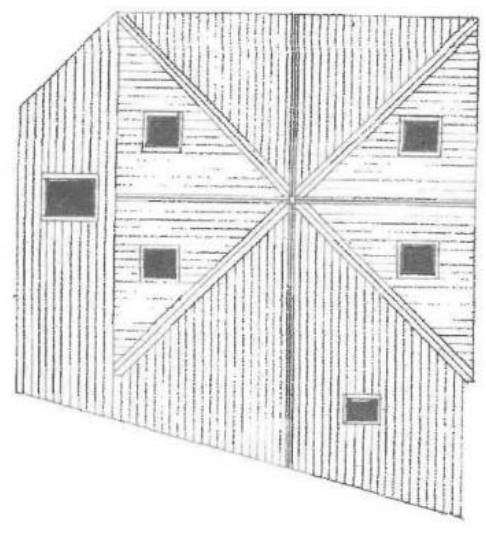
The original proposal that was refused under application (19/0513)
 For reference only



GROUND FLOOR PLAN



FIRST FLOOR PLAN



ROOF PLAN



FAIRFIELD COTTAGE
 WETHERAL PASTURE
 CARLISLE CA4 8HR
 GARAGE PLANS + ELEVATIONS
 1-1003 A2 D/A 19.05.07

SCHEDULE B

**Applications
determined by other
authorities.**

SCHEDULE B

Item No: 05

Between 25/09/2020 and 22/10/2020

Appn Ref No:

19/0883

Applicant:

Mr & Mrs Archibald

Parish:

Wetheral

Date of Receipt:

22/11/2019

Agent:**Ward:**

Wetheral & Corby

Location:Kirkclodge, Allenwood, Heads Nook, Brampton, CA8
9AA**Grid Reference:**

349660 554899

Proposal: Variation Of Condition 2 (approved Documents) Of Previously Approved Application 18/1128 (erection Of Single Storey Extensions To Provide Additional Living Accommodation To Rear With Utility And W.c. To Side; Provision Of First Floor Dormer To West Elevation To Accommodate 1no. Bathroom; Erection Of First Floor Roof Balcony To Rear) To Relocate The Side Privacy Screen Of The Rear Roof Terrace And To Change The Material Of The Privacy Screen From Obscure Glazing To Timber (retrospective)

Amendment:

REPORT**Case Officer:** Alanzon Chan**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Householder Appeals**Report:** A copy of the Notice of the decision of the Determining Authority is printed following this report.**Appeal Decision:** Appeal Dismissed**Date:** 21/10/2020



Appeal Decision

Site visit made on 30 June 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2020

Appeal Ref: APP/E0915/D/20/3249077

Kirk Lodge, Heads Nook, Brampton CA8 9AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mrs Jill Archibald against the decision of Carlisle City Council.
- The application Ref 19/0883, dated 20 November 2019, was refused by notice dated 13 January 2020.
- The application sought planning permission for Erection Of Single Storey Extensions To Provide Additional Living Accommodation To Rear With Utility And W.C. To Side; Provision Of First Floor Dormer To West Elevation To Accommodate 1no. Bathroom; Erection Of First Floor Roof Balcony To Rear (Part Retrospective) without complying with a condition attached to planning permission Ref 18/1128, dated 25 April 2019.
- The conditions in dispute are Nos 1 and 2 which state that:
 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 19 Dec 2018;
 2. the Location and Block Plan (Dwg No. 18-382-DWG010 Rev B), received 14 Jan 2019;
 3. the Proposed Floor Plan (Dwg No. 18-382-DWG002 Rev E), received 13 Mar 2019;
 4. the Proposed Elevations Plan (Dwg No. 18-382-DWG003 Rev E), received 13 Mar 2019;
 5. the Notice of Decision; and
 6. any such variation as may subsequently be approved in writing by the Local Planning Authority.
 2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order), the 1.8m high continuous obscure glazed screen at the northwest elevation of the balcony (facing Cairnville) and the 0.5m wide obscure glazed screen return at the southwest elevation of the balcony, as shown on the Proposed Floor Plan (Dwg No. 18-382-DWG002 Rev E), shall be obscure glazed to factor 3 or above and thereafter retained as such. The obscure glazed screen shall be installed prior to the completion of the balcony and thereafter retained as such.
- The reason given for the conditions are:
 1. To define the permission.
 2. In order to protect the privacy and amenities of residents in close proximity to the site in accordance with Policies SP6 and HO8 of the Carlisle District Local Plan 2015-2030.

Decision

1. The appeal is dismissed.

Procedural Matter

2. When on my site visit, I observed that the works had already been completed.

Main Issue

3. The main issues are:

- the effect of the proposed development on the character and appearance of the area; and
- whether the conditions are reasonable and necessary in the interests of the living conditions of neighbouring occupiers, having particular regard to matters of privacy and outlook.

Reasons

Character and Appearance

4. The appeal property is a single storey detached dwelling situated on the edge of Heads Nook, a small predominately residential village set within a wider rural landscape. To the rear it has a ground floor rear extension with a roof terrace on the first floor above it. This roof terrace has a border railing consisting of glazing with metal posts and railings approximately 0.5 metres in height to the rear and side. The roof terrace is enclosed by a side panel comprising timber slats measuring approximately 1.8 metres in height and 0.2 metres wide. Each of these slats are fixed to the frame on alternate sides meaning that there are gaps between them. At the time of my site visit what appeared to be a temporary green covering had been fixed to the side of the timber facing the main part of the terrace presumably to provide additional screening due to the presence of the gaps between the timber slats.
5. Given its height, scale and design the proposed timber privacy screen/side panel would not match the other means of enclosure on the roof terrace which are a combination of metal posts with glazed panels. I therefore consider that it represents poor design and an incongruous addition to the roof terrace which has an adverse visual impact on the street scene and wider area.

Effect on Privacy and Outlook

6. The adjacent neighbouring property 'Cairnville' is a detached two storey dwelling with a long ground floor extension to the rear of the property on the other side of the garden from the shared boundary with the appeal property and a large conservatory close to this shared boundary. On my site visit I observed that the room furthestmost to the rear of the ground floor extension was a bedroom. Cairnville also has a large rear garden with stepped ground floor levels and a seating area comprising a decked area and patio located close to the shared boundary with the appeal property.
7. Consequently, given its scale, height, massing and proximity to the shared boundary I consider the proposed timber screen to be an imposing addition to the host property creating an increased sense of enclosure for neighbouring occupiers when using the seating areas in the garden and also the conservatory.

8. I acknowledge that there is a gap of approximately 1 metre between the appeal property and the shared boundary, however given the size and massing of the proposal this is not enough to mitigate the harm it causes to the living conditions of the neighbouring occupiers.
9. Furthermore, given the gaps in the timber slats and the fact that the screen would not be set back 1 metre from the shared boundary I also consider that the proposal would allow overlooking of the seating areas in the garden of Cairnville, its rear conservatory and also the bedroom located to the rear of the ground floor extension. Indeed, I could clearly see this bedroom window when standing on the roof terrace close to the timber panelling.

Other Matters

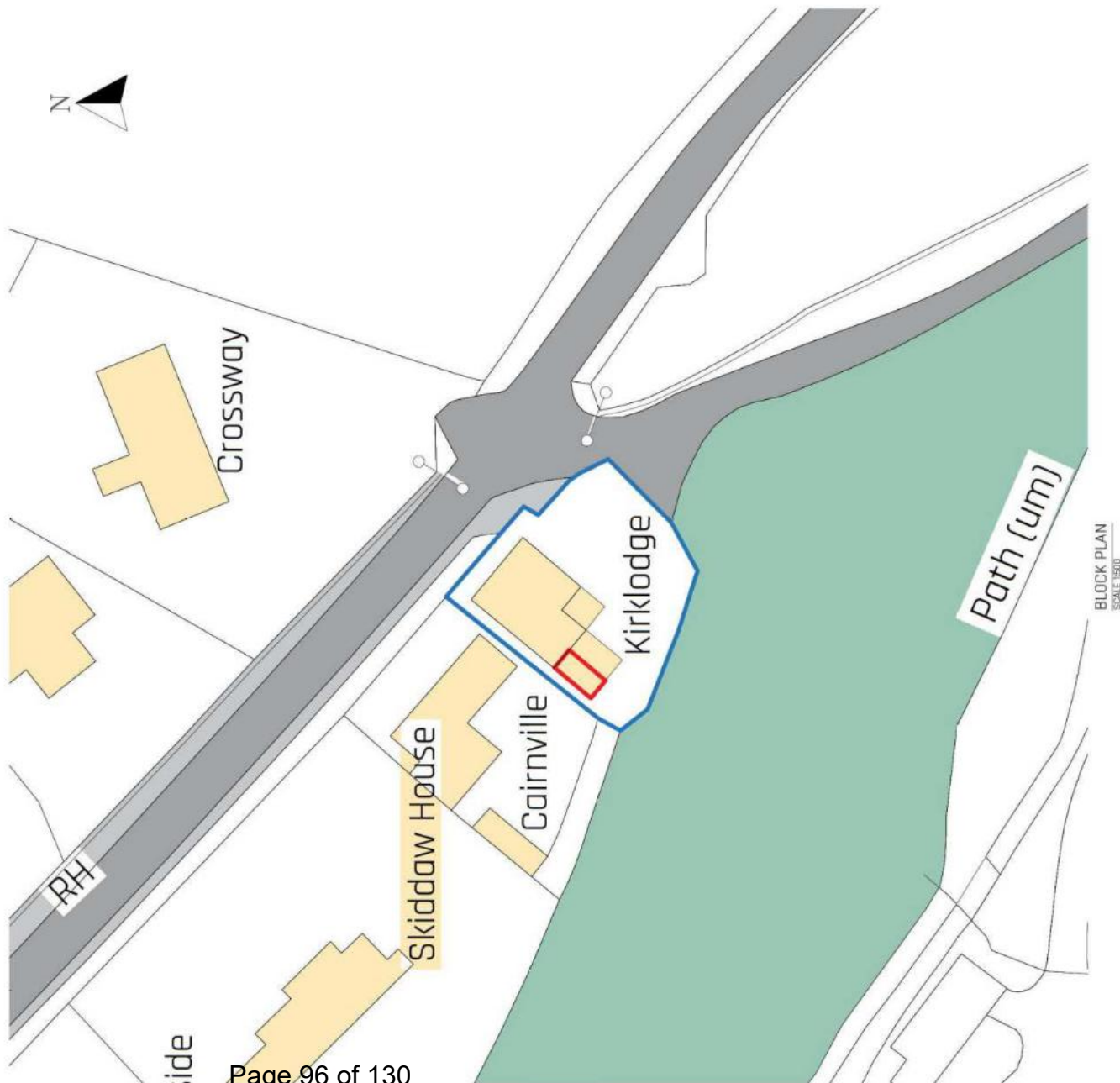
10. In support of the appeal scheme the appellant has pointed out that no objections from any other residents in the village have been submitted. However, this does not alter my findings with regard to the living conditions of the neighbouring occupiers of Cairnville and the character and appearance of the area that I have identified above.
11. The appellant has also stated that in future they may develop a first-floor rear extension over the footprint of the roof terrace that the neighbouring occupiers could find '*more overbearing*' than the timber panel. However, this is not a matter for me to determine in this s78 appeal.

Conclusion

12. I therefore conclude that the proposal conflicts with Policies SP6 and HO8 of the adopted Carlisle District Local Plan 2015-2030 and paragraphs 127 and 130 of the National Planning Policy Framework. As a result, I also conclude that conditions nos. 1 and 2 attached to planning permission Ref 18/1128, dated 25 April 2019 are reasonable and necessary. Accordingly, for the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR



01723 855000
T: 01723 855000
E: info@kingmoor.co.uk

PROPOSED EXTENSION
KIRKLIDGE, HEADS NOOK, CA8 9AA
BLOCK AND LOCATION PLANS

DATE	FOR PLANNING	SCALE
AS NOTED	FOR PLANNING	
AG	S. LOWES	C. AIMERS
PLANNING	NOV 2019	NOV 2019
19-473-DWG001		0

SCHEDULE B: Applications Determined by Other Authorities

Item No: 06

Between 25/09/2020 and 22/10/2020

Appn Ref No:
20/9007

Applicant:
Norman Street Primary
School

Parish:
Carlisle

Date of Receipt:
06/07/2020

Agent:
Cumbria County Council -
Economy & Planning

Ward:
Cathedral & Castle

Location:
Norman Street School, Norman Street, Carlisle,
CA1 2BQ

Grid Reference:
341141 555534

Proposal: Removal Of Condition 2 To Allow The Portacabin To Be A Permanent Classroom And Variation Of Condition 3 To Amend The External Materials Of Previously Approved Application 17/9010/CTY

Amendment:

REPORT

Case Officer: Suzanne Osborne

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 08/07/2020

Decision of: Cumbria County Council

Decision Type: Grant Permission **Date:** 12/10/2020

A copy of the Notice of the decision of the Determining Authority is printed following the report.



**The Town and Country Planning Act 1990
The Town and Country Planning (Development Management Procedure)
(England) Order 2015**

Notice of Planning Permission

To: Norman Street Primary School
Norman Street
Carlisle
CA1 2BQ

In pursuance of the powers under the above Act and Order the Cumbria County Council as Local Planning Authority hereby **permit** the proposal described in your application and on the plans/drawings attached thereto received on 24 June 2020.

viz: Section 73 application to remove Condition 2 of 1/17/9010 so as to permanently retain the portacabin classroom building and variation of Condition 3 relating to the external material and installation of ramp for disabled access.

Norman Street School, Norman Street, Carlisle, CA1 2BQ

Subject to due compliance with the following conditions:

Time Limit for the Completion of the Portacabin Building Enhancement Works

1. The use of the development hereby permitted shall cease on 1 September 2021 if the cladding works and ramped access provision shown in the approved scheme have not been completed in full. If these works have not been completed by 1 September 2022 then the portacabin building and all associated foundations shall be removed from the site by 31 October 2022.

Reason: To ensure that the proposed interventions that would make the retention of the portacabin unit acceptable for a greater period of time are promptly implemented.

Temporary Time Limit for Retention of the Portacabin Building

2. Subject to compliance with condition 1, the portacabin building hereby permitted shall be used for a temporary period only expiring on 31 July 2030 and the portacabin building and all associated foundations shall be removed from the site by 1 September 2030.

Reason: The portacabin unit is not a permanent building with a limited design-life and represents poor design on the whole and as such a permanent planning permission is not considered appropriate. This condition is imposed in line with the powers set out in Section 72 of the Town and Country Planning Act 1990 and in reflection of the advice set-out in Paragraph 014 (Reference ID: 21a-014-20140306) of the national Planning Practise Guidance.

Approved Scheme

3. The development shall be carried out and maintained in accordance with the following approved documents:
 - a. Site Plan-Rev.B – submitted 27 July 2017;
 - b. Drawing job No. 2020-110-02-Rev.A – Existing Portakabin Classroom Recladding Upgrade – dated 1 August 2020;

Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.

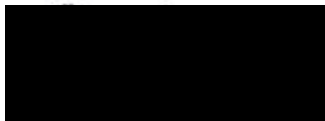
Protection of Trees

4. No lopping of any nearby tree branches shall take place as part of the works to clad the portacabin building unless otherwise agreed in writing with the Local Planning Authority.

The existing tree planting to the immediate north-east of the portacabin shall be retained for the duration of the presence of the portacabin unit unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that no trees on the school site are affected by the approved works to the exterior of the portacabin and that said trees are retained for the duration of the portacabins' presence in the interest of minimising its visual impact.

Dated 12 October 2020



Signed: Angela Jones
Executive Director - Economy and Infrastructure
on behalf of Cumbria County Council.

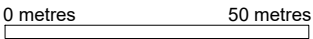
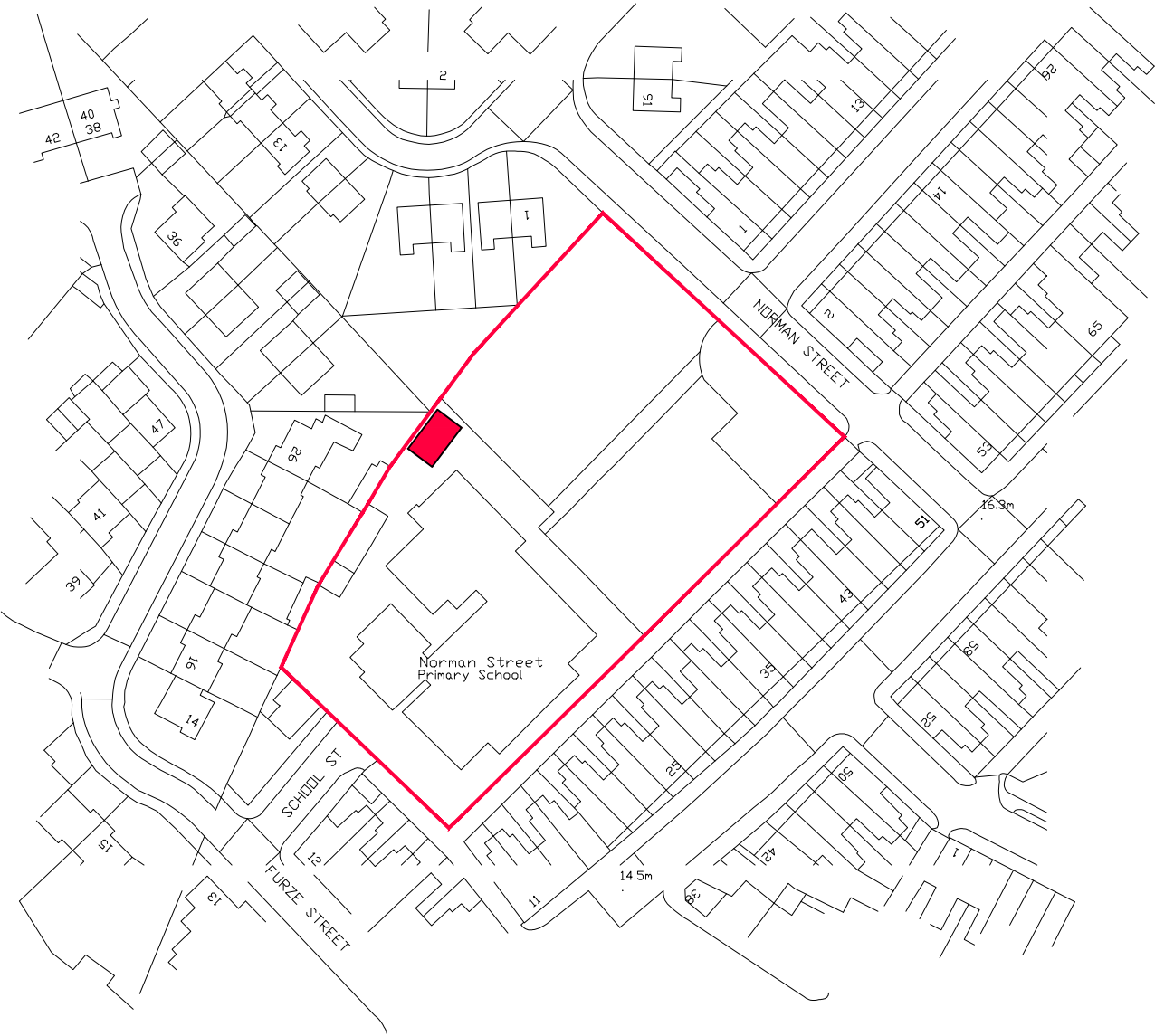
NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems that arose in dealing with this application and has implemented the requirements of the [National Planning Policy Framework](#).
 - The policies and reasons for the approval of this application are set out within the planning officers' report which can be viewed at: <https://planning.cumbria.gov.uk/Planning/Display/1/20/9007>
 - The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
 - Submissions to discharge planning conditions require a fee and any approval given in relation to these shall be issued in writing.
-

APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent, however, you should take careful notice of the advice given below as it may affect your proposal.

1. This grant of planning permission does not exempt you from regulation under Building Control and Environmental Protection regimes. The County Council regularly shares information with other authorities. Failure to comply with other regulatory regimes may result in prosecution.
2. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of [The Town and Country Planning Act 1990](#), or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
3. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
4. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under [Article 27](#) of [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) and must be made in writing. A fee is payable for each submission. A single submission may relate to more than one condition.



Project	Norman Street Primary School. Carlisle				Black Box Architects Limited. 1 Devonshire Chambers 8 Devonshire Street Carlisle. Cumbria. CA3 8AD Tel: 01228 402 200	 BLACK BOX architects	
Drawing	Exiisting Portakabin		Revision	Scale			1:1250
Detail	Location Plan		Job.no.	Date			Jun20

DEVELOPMENT CONTROL COMMITTEE

Agenda
Item
A.2

Meeting Date: 6 November 2020
Portfolio: Economy, Enterprise and Housing
Key Decision: No
Policy and Budget Framework: Yes/No
Public / Private: Public

Title: White Paper: Planning for the Future
Report of: Corporate Director of Economic Development
Report Number: ED.41/20

Purpose / Summary:

This report sets out the Council's response to recent Government Consultation

Recommendations:

It is recommended that the report be noted.

Tracking

Executive:	
Scrutiny:	
Council:	

1. BACKGROUND

1.1 On the 6th August 2020 the Ministry of Housing, Communities and Local Government published a White Paper Planning for the Future, in which it sought views on each part of a package of proposals for reform of the planning system in England to streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure more land is available for development where it is needed.

1.2 In the covering foreword the Prime Minister states:

“Thanks to our planning system, we have nowhere near enough homes in the right places. People cannot afford to move to where their talents can be matched with opportunity. Businesses cannot afford to grow and create jobs. The whole thing is beginning to crumble and the time has come to do what too many have for too long lacked the courage to do – tear it down and start again.

That is what this paper proposes.

Radical reform unlike anything we have seen since the Second World War.”

He continues:

“...a whole new planning system for England.

One that is simpler, clearer and quicker to navigate, delivering results in weeks and months rather than years and decades.

That actively encourages sustainable, beautiful, safe and useful development rather than obstructing it.

That makes it harder for developers to dodge their obligations to improve infrastructure and opens up housebuilding to more than just the current handful of massive corporations.

That gives you a greater say over what gets built in your community.

That makes sure start-ups have a place to put down roots and that businesses great and small have the space they need to grow and create jobs.

And, above all, that gives the people of this country the homes we need in the places we want to live at prices we can afford, so that all of us are free to live where we can connect our talents with opportunity.

Getting homes built is always a controversial business. Any planning application, however modest, almost inevitably attracts objections and I am sure there will be those who say this paper represents too much change too fast, too much of a break from what has gone before.

But what we have now simply does not work.”

1.3 The Secretary of State in his foreword states that:

“These proposals will help us to build the homes our country needs, bridge the present generational divide and recreate an ownership society in which more people have the security and dignity of a home of their own.

Our proposals seek a significantly simpler, faster and more predictable system. They aim to facilitate a more diverse and competitive housing industry, in which smaller builders can thrive alongside the big players, where all pay a fair share of the costs of infrastructure and the affordable housing existing communities require and where permissions are more swiftly turned into homes.

We are cutting red tape, but not standards. This Government doesn't want to just build houses. We want a society that has re-established powerful links between identity and

place, between our unmatched architectural heritage and the future, between community and purpose. Our reformed system places a higher regard on quality, design and local vernacular than ever before, and draws inspiration from the idea of design codes and pattern books that built Bath, Belgravia and Bournville. Our guiding principle will be as Clough Williams-Ellis said to cherish the past, adorn the present and build for the future.

We will build environmentally friendly homes that will not need to be expensively retrofitted in the future, homes with green spaces and new parks at close hand, where tree lined streets are the norm and where neighbours are not strangers.

We are moving away from notices on lampposts to an interactive and accessible map-based online system – placing planning at the fingertips of people. The planning process will be brought into the 21st century. Communities will be reconnected to a planning process that is supposed to serve them, with residents more engaged over what happens in their areas.

While the current system excludes residents who don't have the time to contribute to the lengthy and complex planning process, local democracy and accountability will now be enhanced by technology and transparency.

Reforming the planning system isn't a task we undertake lightly, but it is both an overdue and a timely reform. Millions of jobs depend on the construction sector and in every economic recovery, it has played a crucial role."

2. PROPOSALS

2.1 The White Paper identifies a number of problems with the current planning system:

- It is too complex
- Planning decisions are discretionary rather than rule-based
- It takes too long to adopt a Local Plan
- Assessments of housing need, viability and environmental impacts are too complex and opaque
- It has lost public trust
- It is based on 20th-century technology
- The process for negotiating developer contributions to affordable housing and infrastructure is complex, protracted and unclear
- There is not enough focus on design, and little incentive for high quality new homes and places
- It simply does not lead to enough homes being built

2.2 The Government considers that the planning system needs to be better at unlocking growth and opportunity in all parts of the country, at encouraging beautiful new places, at supporting the careful stewardship and rebirth of town and city centres, and at supporting the revitalisation of existing buildings as well as supporting new development.

- 2.3 It is also time for the planning system finally to move towards a modernised, open data approach that creates a reliable national picture of what is happening where in planning, makes planning services more efficient, inclusive and consistent, and unlocks the data needed by property developers and the emerging Property Technology (PropTech) sector, to help them make more informed decisions on what to build and where.
- 2.4 The Government wishes to:
- Be more ambitious for the places we create
 - Move the democracy forward
 - Improve the user experience of the planning system
 - Support home ownership
 - Increase the supply of land available for new homes where it is needed
 - Help business to expand
 - Support innovative developers and housebuilders
 - Promote stewardship and improvement of our precious countryside and environment
 - Create a virtuous circle of prosperity in our villages, towns and cities
- 2.5 In order to do this the Government proposes to undertake fundamental reform of the planning system to address its underlying weaknesses and create a system fit for the 21st century. In order to do this there are five components:
- 2.6 First, they will streamline the planning process with more democracy taking place more effectively at the plan making stage:
- Simplifying the role of Local Plans
 - Local Plans should set clear rules rather than general policies for development
 - Local councils should radically and profoundly re-invent the ambition, depth and breadth with which they engage with communities
 - Local Plans should be subject to a single statutory “sustainable development” test
 - Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new standard template
 - Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable (of no more than 30 months in total)
 - Decision-making should be faster and more certain
 - We will seek to strengthen enforcement powers and sanctions
 - We will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms

- 2.7 Second, they will take a radical, digital-first approach to modernise the planning process. This means moving from a process based on documents to a process driven by data. We will:
- Support local planning authorities to use digital tools to support a new civic engagement process for local plans and decision-making
 - Insist local plans are built on standardised, digitally consumable rules and data
 - Standardise, and make openly and digitally accessible, other critical datasets that the planning system relies on
 - Work with tech companies and local authorities to modernise the software used for making and case managing a planning application
 - Engage with the UK PropTech sector through a *PropTech Innovation Council*
- 2.8 Third, to bring a new focus on design and sustainability, they will:
- Ensure the planning system supports our efforts to combat climate change and maximises environmental benefits
 - Facilitate ambitious improvements in the energy efficiency standards for buildings
 - Ask for beauty and be far more ambitious for the places we create, expecting new development to be beautiful, and to create a “net gain” not just “no net harm”
 - Make it easier for those who want to build beautifully through the introduction of a fast-track for beauty
 - Introduce a quicker, simpler framework for assessing environmental impacts and enhancement opportunities
 - Expect design guidance and codes – which will set the rules for design of new development – to be prepared locally and to be based on genuine community involvement rather than meaningless consultation
 - Establish a new body to support the delivery of design codes in every part of the country
 - Ensure that each local planning authority has a chief officer for design and place-making
 - Lead by example by updating Homes England’s strategic objectives to give grater emphasis to delivering beautiful places
 - Protect our historic building and areas
- 2.9 Fourth, they will improve infrastructure delivery in all parts of the country and ensure developers play their part
- The Community Infrastructure Levy and the current system of planning obligations will be reformed as a nationally-set value-based flat rate charge
 - We will be more ambitious for affordable housing provided through planning gain

- We will give local authorities greater powers to determine how developer contributions are used
- We will also look to extend the scope of the consolidated Infrastructure Levy and remove exemptions from it

2.10 Fifth, to ensure more land is available for homes and development people and communities need, and to support renewal of our town and city centre, they propose:

- A new nationally-determined binding housing requirement that local planning authorities would have to deliver through their Local Plans.
- To speed up construction where development has been permitted
- To provide better information to local communities, to promote competition amongst developers, and to assist SMEs and new entrants to the sector
- To make sure publicly-owned land and public investment in development supports thriving places

2.11 With all these points in mind , the consultation document does not address every detailed part of the planning system, its function and objectives, but rather focuses on the key reforms that can help improve the delivery and quality of homes and neighbourhoods, set within the Government's drive towards net-zero greenhouse gas emissions by 2050.

2.12 The consultation sets out three pillars of proposed changes:

Pillar One – Planning for development

Pillar Two – Planning for beautiful and sustainable places

Pillar Three – Planning for infrastructure and connected places

The consultation outlines the background to these issues and poses a series of questions.

2.13 Many of the changes in the White Paper are badged as part of a radical transformation to the process however it is worth noting that in delivering the Council's growth agenda, we have been tackling many of the issues raised by Government. Some of these do not require radical changes and working with a system that has evolved over more than 75 years can present great value in the way that the planning system operates to ensure a fair system for all parties. There are however inherent complexities of the system the Government wishes to speed up.

2.14 Members will be aware that not everyone engages fully with the current planning system until they receive notifications about planning applications on their doorstep

however recent work on St Cuthbert's Garden Village has seen many of the points being embraced; including more meaningful community engagement, improving the quality of design (planning application 19/0459 relating to land at Carleton Clinic reported to this committee, included the use of a Design Code), and the need to deliver more housing which lies at the heart of this recent consultation.

- 2.15 The radical changes look to significantly speed up the planning process. Condensing local plan preparation to 30 months and reducing the number of documents supporting planning applications for standardised national processes, raises concerns about the detailed technical supporting information that makes a plan, and subsequent applications, local. Identifying what is needed in the local area and making sure applications deal with local circumstances are fundamental to how the planning system has worked.
- 2.16 Improving engagement with local communities is welcomed so that people are more involved however as members will know we have let consultations on planning applications continue, or informed additional residents, which has impacted on the ability to quickly determine an application as people want their say and want to be heard. Will this truly happen in a speeded-up planning system from policy development through to individual applications.
- 2.17 There is also one other focus of the consultation on improving design. Everyone is aware of the cliched phrase about "beauty" and whilst we are seeking to improve the quality of design it will remain a focus of judgement where opinions will differ. Focusing on one area of development at the expense of the others may remove the real planning issues in exchange for a beauty parade and people are aware of how controversial those have become.
- 2.18 The consultation paper can be found using the following link <https://www.gov.uk/government/consultations/planning-for-the-future> . Given that the concerns of the Government relate to the whole system this is a strategic planning matter which falls to the Council's Executive/Portfolio Holder to deal with in terms of a response to the consultation. The concerns briefly outlined above have, at the time of writing this report, been worked into the Council's response which had to be submitted before the consultation end on the 29th October. The final draft is attached to **Appendix 1** of this report which includes the questions asked by Government.

3. WHAT HAPPENS NEXT

- 3.1 The government recognises that it is important that in bringing forward reform to improve the operation of the planning system, they do not cause delays to development that is currently planned.
- 3.2 Subject to responses to this consultation, they will consider the arrangements for implementing these changes to minimise disruption to existing plans and development proposals and ensure a smooth transition. This includes making sure that recently approved plans, existing permissions and any associated planning obligations can continue to be implemented as intended; and that there are clear transitional arrangements for bringing forward new plans and development proposals as the new system begins to be implemented.
- 3.3 Nevertheless, they want to make rapid progress toward this new planning system. They are already introducing a new Use Class Order, with associated permitted development rights, to make it easier for businesses to change use without the need for planning permission to support our high streets and town centres bounce back following the COVID-19 pandemic. They have also created new permitted development rights to enable more new homes to be built on top of buildings and the demolition and rebuild of vacant buildings for housing, without the need for usual planning permission.
- 3.4 Subject to the outcome of the consultation, the Government will seek to bring forward legislation and policy changes to implement the reforms. The detail of the proposals will need further development pending the outcome of the consultation and they will continue to develop the proposals as they gather feedback and views on them.
- 3.5 The proposals for Local Plan reform, changes to developer contributions and development management would require primary legislation followed by secondary legislation. The proposals allow 30 months for new Local Plans to be in place for a new planning framework, so they would expect new Local Plans to be in place by the end of the Parliament.
- 3.6 They would implement any policy changes, including to set a new housing requirement, by updating the National Planning Policy Framework in line with the new legislation.

4. CONSULTATION

- 4.1 This paper relates to the Government's consultation White Paper: Planning for the Future

5. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 5.1 The consultation covers a number of issues relating to the English planning system. Members are asked to note the Council's response to the consultation.

6. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 6.1 The aims of the reforms proposed in the consultation paper will deliver more housing and a better living environment which accord with the Carlisle Plan priorities. Although there are concerns about the proposed mechanisms to do this the priorities can still be delivered under the current planning regime.

Contact Officer: Chris Hardman

Ext: 7502

Appendices Draft response to the consultation
attached to report:

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- **White Paper: Planning for the Future**

CORPORATE IMPLICATIONS:

LEGAL – This report has been prepared so that Members can note the consultation response which has been submitted on behalf of the Council. Following the consultation, new statutes/ regulations will be produced which the Council will need to comply with and Members will receive further updates and training at the appropriate time.

PROPERTY SERVICES – n/a

FINANCE – n/a

EQUALITY – n/a

INFORMATION GOVERNANCE – n/a

PLANNING FOR THE FUTURE WHITE PAPER (AUGUST 2020)

OVERVIEW

Q1. What three words do you associate most with the planning system in England?

Consistency, certainty, clarity.

Q2(a). Do you get involved with planning decisions in your local area?

[Yes]

Carlisle City Council is the Local Planning Authority.

Q2(b). If no, why not?

[Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]

n/a

Q3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? [Social media / Online news / Newspaper / By post / Other – please specify]

By email to neil.cole@carlisle.gov.uk

Q4. What are your top three priorities for planning in your local area? [Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]

As the Local Planning Authority, we are required to address and balance a range of competing priorities in order to deliver sustainable growth within the City.

Specifically, we are the urban capital for Cumbria and serve the wider hinterlands of western Northumberland and southern Scotland. We want to draw from on our high quality environment to deliver high quality homes to reverse the loss of working age families (through inter alia St Cuthbert's Garden Village) in parallel with supporting continued economic growth – these will be central to the success of the Borderlands Inclusive Growth Deal and the Cumbria Local Industrial Strategy.

PILLAR 1: A NEW APPROACH TO PLAN-MAKING

**Q5. Do you agree that Local Plans should be simplified in line with our proposals?
[Yes / No / Not sure. Please provide supporting statement.]**

The Council welcomes the continued primacy to be afforded to the development plan.

We are concerned that plans should be limited to a 10 year period which could serve to stifle the growth for ambitious authorities. St Cuthbert's Garden Village is likely to entail a 30 year build out and its essential that plans are capable of providing our communities, infrastructure providers and delivery partners the long term certainty that is required to reflect both the lead in times required and the need to deliver the supporting infrastructure.

It is however concerning that the White Paper pays little regard to economic growth and Government's own Industrial Strategy and to the role of future economic growth. The proposals would appear to be moving away from spatial planning to simply becoming a housing delivery plan. As per Q4, the planning system cannot divorce the provision of homes with economic growth – as this is a key pillar towards delivering sustainable development.

With specific regards to the proposals, further clarity will be required regarding:

- Whether plans will continue to set out a spatial vision to articulate and justify the spatial patterns of growth, the rationale for the type of sites to be delivered for development and where necessary the release of 'constrained' land?*
- The need to avoid confusing and overlapping designations for sub-areas eg city centres will likely include growth areas for new retail facilities, renewal areas based on the existing uses; and protected areas such conservation areas;*
- If the White Paper requires Policies Maps to no longer show traditional "white land", is the expectation that a detailed micro-level approach is required to zone individual parcels/sub-areas with regards to the range of future uses. This will require a considerable body of work to be undertaken to ensure those sub-areas are defined accordingly in order to relate to a revised NPPF's suite of policies and/or design codes prepared locally;*
- What "gentle densification" means and how would this would be managed over larger built up areas?*
- There will still be the ability for plans to safeguard land for future potential development (eg in the context of land between the built up area and Green Belt or safeguarding the integrity of routes for long term transport investment)?*
- The future legal status of the Policies Map. Presently, these are not legally part of the development plan, yet comprise an integral visual representation of the plan with regards to the implementation of policies.*

Proposal 2: Development management policies established at national scale and an altered role for Local Plans.

Q6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

[~~Yes~~ / ~~No~~ / Not sure. Please provide supporting statement.]

Proposals to set out a suite of national development management policies are welcomed in principle. This would avoid unnecessary repetition and ensure that plans do not become dated against potential future revisions to national policies. It is assumed that the comparable Section 38(6) clause will be amended to elevate the status of the national policies to that of the development plan.

However, we are concerned that sole reliance on a suite of national policies:

- *Removes local democratic processes and the ability to influence the growth of areas at a local level;*
- *Would not fully reflect the local distinctiveness of individual authorities. A one size fits all approach does not work. Hence plans are presently able to adapt and elaborate those policies set out in the existing NPPF to suit their differing local circumstances.*

LPA's should be able to justify bringing forward local policies to supplement national policies (and where necessary with supporting SPDs) to address locally specific issues or to address matters where the national policies are silent. Examples of this include: setting affordable housing requirements informed by evidence and implementing a range of measures appropriate to local circumstances to address the recreational disturbance to SPAs/SACs arising from new homes.

Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness

Q7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?

[~~Yes~~ / ~~No~~ / Not sure. Please provide supporting statement.]

Plan preparation has become bogged down with the range of technical tests. Whilst the sustainability appraisal/SEA is a valid tool, it has become overly cumbersome, lengthy and costly to prepare. Their increasing complexity further leaves plans open to legal challenge on technicalities as opposed to the integrity of the plan being brought forward. In turn, the risk of legal challenge further adds to their complexity as authorities seek to address every potential connotation (regardless of the realism).

Proposals to streamline tests are welcomed in principle, but the current proposals lack clarity to offer detailed comments as to how a single test would work and the stages at which these would need to be prepared to inform and justify plans.

Any such approach would need to be undertaken alongside reform related to how the ‘sustainable development’ test would operate, most notably in relation to how the traditional approach to the scoring of options and consideration of ‘reasonable alternatives’. The larger the scale of any local plan, the more complexity in terms of

alternative options will exist. Scoring is often subjective and simplified into a meaningless traffic light approach. Reform should ensure that a new approach avoids getting bogged down into consideration of all possible alternatives or their sustainability credentials, many of which are judgements and do not reveal much distinction between alternatives.

Specifically, it is not clear on the full range of (quasi) legal tests that would continue to under this proposal. Whilst the White Paper maintains there should be certainty around the delivery of development, it is unclear how allocations would be assessed (selected/discounted) based on their suitability, availability and viability.

Whilst the White Paper alludes to stripping down and standardising the range of evidence prepared, it should not be underestimated as to the scale of evidence that would still be needed to support the larger allocations (now to be supplemented by design codes and masterplans) to confirm the principle of development is acceptable and there is realism that sites will come forward.

It is not clear how a new sustainability test would operate in tandem with any tests around viability and delivery and how this would then relate to the implementation of the proposed consolidated Infrastructure Levy at the local level. Presumably, at the plan making stage viability must be a key consideration in order to assess the scale of infrastructure required, the masterplans and what would be secured through the Infrastructure Levy.

Q7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

The existing Duty to Cooperate is a process driven test as opposed to one which is based on outcomes. Plans have been unnecessarily withdrawn based on a breakdown in the process.

Strategic growth will inevitably require cooperation and collaboration across boundaries, with the larger sites relating closely to neighbouring areas, to wider market considerations and the provision of strategic infrastructure. Without any incentives or requirements to secure positive cooperation between neighbouring authorities there is a danger that places will be put off from thinking strategically about future growth.

A new requirement for some form of cross-boundary consideration will therefore need to be retained within the new system. This could be covered in some way through guidance related to the 'sustainable development' tests to ensure consideration of aspects which have cross boundary considerations and implications. However, failure should not be deemed as an examination 'show stopper'.

Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

**Q8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?
[Yes / No / Not sure. Please provide supporting statement.]**

As set out at Q4, Carlisle is the sub-regional capital and our recently adopted Local Plan sets out an ambitious strategy for growth. Our Plan will be a key mechanism to realise the economic ambitions for Cumbria but also the Borderlands Inclusive Growth Deal. Delivering the 10,000 home St Cuthbert's Garden Village will deliver the required step change and sits at the heart of these ambitions. Our Plan sets pre-standard method requirement of 625 homes p.a. Since adoption, our Plan has successfully delivered a significant uplift in net completions rising from pre-adoption rates of circa 190 to 663 in 2019/20.

The existing and proposed standard methods adopts a one size fits all approach to resolving the national housing crisis. Under the existing standard method, our minimum annual need would be 193 and under the Government's latest proposals rises to only 285 homes. Neither, is supportive of our growth aspirations and could serve to undermine the basis upon which St Cuthbert's Garden Village is being brought forward. Government's proposals could simply serve to disincentivise growth and stifle market interest for authorities such as ourselves.

In common with the current methodology, we would welcome the proposition that the revised standard method should be regarded as the minimum figure to plan. We would expect that any accompanying revisions to the PPG will retain and enhance this point to make clear that ambitious authorities like Carlisle, with Garden Village status and/or Growth Deals, could and should plan for a significantly greater housing requirement. When determining housing requirements, consideration should not only be given to known 'constraints' but also 'opportunities' which may include economic potential, infrastructure investment and broader regeneration/growth related needs. Councils should be able to engage to set out their position, but this will need to be through a structured and proportionate process to that can allow for robust but streamlined cases to be made without protracted or costly evidence gathering exercises.

Furthermore, there is no incentive for authorities to plan more strategically beyond the 10 year plan period suggested by the White Paper. The planning reforms should encourage councils to think about longer term requirements.

Whilst Government has recently concluded its consultation on the revised Standard Method, we do question why the White Paper is now consulting on potential further revisions to the standard on ways upon which adjustments could then be made. Is it to be assumed that a "Standard Method 3" consultation is expected in the near future. If Government is intent that its White Paper proposals for plan making are delivered, it is essential that all parties are provided with certainty. It is imperative that any revised standard method sets out a clear and robust mechanism to enable adjustments either upward or downward that reflect local circumstances. In the short term, plan making under the proposed transitional arrangements would likely lead to abortive work for authorities (if housing requirements are likely to change in the future. This would only serve to further undermine the integrity and trust in both planning system and local planning processes.

Q8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?
[Yes / No / Not sure. Please provide supporting statement.]

With regards to affordability, it doesn't follow that building more homes improves affordability eg North West Leicestershire, Redcar & Cleveland and Northumberland have over the past 3 years delivered homes significantly in excess of the standard method requirement. Yet, under the proposed standard method, their respective needs have risen significantly. This would suggest that wider factors other than housing delivery affect affordability eg mortgage availability, the build out rates of housebuilders. It should be noted that Green Belt policy itself has served to suppress growth around existing urban areas thereby increasing demand and driving up house prices.

Whilst the affordability uplift effectively increases the housing requirement, authorities are required to release additional and more deliverable sites (either through the local plan or as a result of a failure to maintain a 5 year housing land supply). An unintended consequence is that by increasing the range of and choice of land available for development will make it less likely that the most urgent sites in need of development (eg the more difficult and less profitable brownfield sites) will be delivered. Those sites that are easier and more profitable to deliver are likely to be those that would not have been allocated at all if it wasn't for the uplift.

In the absence of the Duty to Cooperate, clarification is required as to the process by which authorities can work together to consider the potential redistribution of development needs.

Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

Q9(a). Do you agree that there should be automatic permission for areas for substantial development (Growth areas) with faster routes for detailed consent?
[Yes / No / Not sure. Please provide supporting statement.]

Currently, the principle of development is largely established as a consequence of our planned system ie the presumption in favour of development that accords with the development plan. Whilst, this proposal would appear a logical extension, it is not clear what it would gain in practice. Developers rarely look for certainty on the point of whether 'in principle planning' should be granted and are more often concerned about the details of the proposal in relation for example to the numbers densities, scale, massing and layout. In this regard, a permission in principle is likely to be less helpful.

The 'Growth area' category and 'automatic permission' may be better related to proposals that are intended to be delivered in the early years of a plan period and in full (or

substantially) within its lifetime. It is however not suited to the needs of longer-term strategic growth, which could span several plan periods and requires flexibility to adjust to influences over time. There is just too much work to be done for the larger schemes (particularly given the proposed timeframes the White Paper suggests for plan making).

It is suggested that a further category is defined which accommodates ‘Strategic Growth’ for the largest, more strategic and complex sites which deliver later on in and/or beyond the end of a plan period. More flexibility should be introduced for these proposals so that they do not require the same level of detail or background information. Alternatively, strategic growth could be addressed through a different form of plan making at a “larger than local” scale which would leave Local Plans to focus on and address the short-term pipeline housing supply. This could encourage councils to plan strategically beyond plan periods and address concerns over the amount of work that may need to be undertaken for the largest most complex sites, the related resourcing requirements the risks this puts on achieving the ambitious plan making timescales.

It is noted under Proposal 14 that an agreed masterplan and design code are required as a pre-condition of granting this permission in principle (either in parallel with or post local plan adoption). From experience, the transition from allocation to on-site delivery requires a significant body of evidence to be front loaded into the local plan preparation stage eg the scale and cost of infrastructure and the means to deliver it. This is particularly relevant when bringing forward large sites such as St Cuthbert’s Garden Village. Otherwise, the scale of the ‘outstanding’ issues to resolve at the new application stage could become further protracted. The time required to gather the necessary evidence and masterplan/design code preparation must be reflected within the timescales at the plan making stage, particularly where there are a number of growth sites within a single plan.

However, there are concerns over how this new regime would work which could otherwise cause delays at the subsequent consenting stage:

- What is the status of the masterplans / design codes within the development process and will they be subject to public scrutiny and testing?*
- Is there an intention that masterplans / design codes are be adopted within a defined period following local plan adoption?*
- Is there intended to be a separate testing regime for masterplans / design codes – otherwise, growth area allocations would be delayed as a result in conflict and protracted negotiations between the LPA and landowners/site promoters?*
- Growth areas would typically be built out over a number of years and there must be flexibility with the policy / masterplan / design code / infrastructure levy regimes to respond to future changes.*
- The preparation of LDOs/NDOs and DCOs can themselves be protracted and it is unclear how a revised reserved matter process would work in such cases to adequately speed up the delivery of development.*

- *In the short term, many authorities lack the in-house resources to deliver these masterplans / design codes and these documents will vary significantly in terms of complexity according to the nature and scale of those locations they are intended to cover.*

Q9(b). Do you agree with our proposals above for the consent arrangements for *Renewal and Protected areas*?

[~~Yes / No /~~ Not sure. Please provide supporting statement.]

As above, this would appear to follow the existing legislative framework regarding the presumption in favour of development.

However, as detailed at Q5, clarity is required as to the nature and extent of the allocation/zoning needed to define renewal areas (ie taking a blanket overwash of built up areas and/or allocating specific sites).

With regards to the consenting regime for proposals within protected areas, the Council would refer to its response at Q6. Particularly, it is concerned that there may be situations where national policy is either silent or policies lack sufficient detail to effectively determine the proposal efficiently and whether there would remain scope to introduce locally specific policies to address either specific sites or specific themes.

Q9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

[~~Yes / No /~~ Not sure. Please provide supporting statement.]

The Council would welcome the ability to explore this proposal further if it could be demonstrated that this would accelerate timescales without compromising the decision making process.

Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology

Q10. Do you agree with our proposals to make decision-making faster and more certain?

[~~Yes / No /~~ Not sure. Please provide supporting statement.]

As per our response at Q6, should a new NPPF sets out nationally prescribed development management policies, it would mean that we would have less opportunity to influence policy development at the local area level and would therefore undermine democratic processes around the determination of planning applications.

Greater clarity is required as to how proposals for a fast track consenting system to automatically permit proposals for high-quality developments where they reflect local character and preferences would work in practice.

We remain committed to working with applicants to deliver good design and a sustainable development approach in line with planning policy within the 8 or 13 week targets.

However, it cannot be automatically assumed that applications are fit to be determined at the point of submission. Many will require further work to bring them in line with policy (whether set nationally or locally) which are formally agreed though an extension of time. If these targets are to become firm deadlines and in the absence of an extension of time system to determine the application, we are concerned that the decision making process will become more binary with more applications being refused (simply to hit the target) with a higher volume of appeals against these decisions to the Planning Inspectorate.

Whilst we welcome digital improvements to manage applications, we still deal with some residents who don't have a computer and don't engage digitally with the current system and we need to ensure that they are not disenfranchised from planning processes. They engage following receipt of the neighbour notification letter or site notice. Whilst costly, we still need to be able to work in formats that meet the needs of local residents. The difficulty is not knowing which residents fall into this category in advance and we shouldn't sacrifice them for quick digital hits.

Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.

**Q11. Do you agree with our proposals for digitised, web-based Local Plans?
[Yes / ~~No~~ / ~~Not sure~~. Please provide supporting statement.]**

In principle, these proposals are supported, though this along with the Governments wider ambitions for reinventing how authorities engage with communities will often require further investment in time and resources.

A STREAMLINED, MORE ENGAGING PLAN-MAKING PROCESS

**Q12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?
[Yes / ~~No~~ / ~~Not sure~~. Please provide supporting statement.]**

It is considered that both a 30 month adoption cycle and having these new style plans in place before the close of this Parliament are unrealistic for this first generation of new style plans. As detailed within our wider responses, there remains a series unresolved issues:

- A clear timetable for the implementation of primary and secondary legislation alongside a revised NPPF with a clear suite of national development management policies would enable LPAs to effectively project manage the transition from the existing to new style system.*
- What a revised sustainability test would include and the level of detail required*
- Implementation of the proposed new standard method alongside what is presently an unknown approach to making adjustments for land constraints.*
- Whether transitional arrangements will be introduced to allow emerging plans to 'migrate' to a later stage of the new style of plan rather than start from the beginning.*

- *The preparation of inter alia design codes and masterplans will be resource intensive where few authorities presently have the technical capacity to deliver these in-house;*
- *Account of democratic approvals needs to be taken which can and some cases take 2-3 months to secure approvals. This is in addition to seasonal limitations around when consultations can be undertaken (if there is to be a “best in class” style consultation) and would there continue to be a requirement to maintain a Statement of Community Involvement?*

Specifically with regards to Proposal 8:

Stage 1: *It is assumed this comprises what is presently a basic issues and options stage – though it is assumed this would require preparing advanced baseline evidential work to inform this stage and the options available? Further clarity is sought as to what is considered to be “best in class ways of achieving public involvement”?*

Stage 2: *Depending on the nature and complexity of the constraints and land supply opportunities and any parallel preparation of design codes and masterplans, experience shows this would take far longer than 12 months. From our experience with St Cuthbert’s Garden Village in terms of developing the baseline evidence, the master planning, infrastructure requirements, etc has taken 3 years to date.*

Stage 3: *This comprises the only first real opportunity for all parties to consider and respond to the proposals and range of evidence within a 6 week period. Regardless of any “best in class” engagement undertaken this leaves little time for respondents to effectively engage in the process. Given that adoption could equate to an automatic grant consent for ‘growth’ sites, communities would continue to feel disaffected and even more distrustful of the planning process.*

This stage relies upon statutory consultees submitting comments within 6 weeks which can be challenging.

Proposals to limit the word count for responses is welcomed, but from experience, the time taken to progress from one consultation to the next will be influenced by the scale and complexity of representations submitted. It is invariably a highly resource intensive process to log in and analyse comments and can considerably slow down a plan’s advancement. The 9 month window for this stage is questionable.

The simultaneous consultation and submission gives little scope for modifications to be made to a plan’s proposals (at a pre or post examination stage). This would lead to an unnecessarily protracted and complex examination process.

It is also unclear as to what role the examination will have Inspector’s currently do what is permissible to make plans sound (which can include directing the authority to undertake additional work to make them sound). If the 9 month window is fixed, it would suggest the Inspector’s role could simply be confined to a straight pass or fail. The consequence being that far more plans could be withdrawn.

Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools

Q13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

[~~Yes / No /~~ Not sure. Please provide supporting statement.]

It is unclear what the future role will be for neighbourhood plans within a “zonal” “compliance” based approach to plan making. It is assumed they would have no role with regards to allocating strategic scale “growth areas” or designating nationally protected areas and this needs to be clarified.

The White Paper clearly states that design codes should be prepared by authorities or land promoters. No reference is made to the role of neighbourhood plans. As per Q6, it is further unclear as to whether there is a role for neighbourhood plans to introduce locally specific development management policies to supplement those to be set out nationally.

Clear guidance will be required to the future status of existing and emerging neighbourhood plans prepared prior to the implementation of these proposed reforms.

Q13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

See Q13(a).

Proposal 10: A stronger emphasis on build out through planning

Q14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

[~~Yes / No /~~ Not sure. Please provide supporting statement.]

Whilst the principle of the proposal is welcomed, there is concern that this lacks sufficient detail to be fully responded to.

To increase build out rates by increasing the range of outlets would also put pressure on the need to deliver the necessary supporting infrastructure in time to support those homes built. As at Q22(d), the Council is concerned that if the Infrastructure Levy is payable at the point of occupation, increasing the rate of build out would further pressure the public purse to front load delivery of the infrastructure to then support delivery of the homes. In those instances where authorities decide not to take on that risk, sites will simply fail to come forward as planned.

However, the White Paper is silent on delivery vehicles. This is particularly important as the reforms are increasing pressure on the public sector to streamline the process yet provides them with no tangible tools to intervene should it be necessary to ensure that the private sector then delivers. The same intent has been behind previous planning reforms and has not led to a step-change in housing supply.

Complementary proposals should provide Councils with credible mechanisms to intervene where the market fails to deliver. For larger proposals, this should include strengthening the ability to establish Development Corporations with suitable planning and delivery powers. This ability already exists through various routes – Secretary of State, Mayoral or the relatively recent Locally led approach. However, the mechanisms have been seldom deployed, and never for greenfield large-scale new settlements (since the post war New Town programme).

The barriers to take up will need to be addressed. Clearer guidance is needed around the ability to acquire land at 'no-scheme' world values (and to reconsider issues related to how market value including hope value form part of this assessment). Councils willing to take such a proactive approach will need to have access to appropriate funding to both support places with pre-establishment feasibility/revenue costs in preparing business cases, site specific planning and related legal work, as well as access to the large capital costs that can address the cashflow challenge relating to site wide land acquisition (via negotiation or CPO) and the provision of initial enabling infrastructure. Without such funding support, it is difficult to envisage local partners being able to rise to the challenge.

Pillar Two – Planning for beautiful and sustainable places happened recently in your area?

Q15. What do you think about the design of new development that has happened recently in your area?

~~[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]~~

As the LPA, we receive proposals of varying design quality and can often find these get watered down after the initial permission particularly cutting construction costs and changes in materials. This can happen at all scales from householders who can't afford their slightly ambitious extensions to larger developers who start to remove architectural details and change boundary treatments. All these components reduce the design quality and some measure to reduce the opportunity to do this would be welcomed if we are reinforcing design principles nationally.

Q16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

As the LPA, our priorities remain towards the delivery of sustainable development and strike the necessary balance between social, environmental and economic objectives.

Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.

Q17. Do you agree with our proposals for improving the production and use of design guides and codes?

[~~Yes / No /~~ Not sure. Please provide supporting statement.]

Again, whilst the Council is supportive of the move towards raising the profile of design within the decision making process, we are concerned as to how these proposals are to be implemented:

- If it is proposed that design codes are to be more binding, is it to be implied they will be afforded the weight of development plan policy or greater weight than a standard SPD? Given their elevated role clarity is required as to the preparation requirements including the scope to challenge and formally test (given these potentially could give rise to viability considerations).*
- Authorities such as ourselves no longer have an in-house design capacity and there are concerns with regards to pace at which these proposals will be implemented in the short term.*

Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.

Q18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

[~~Yes / No /~~ Not sure. Please provide supporting statement.]

This is supported.

Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.

Q19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

[~~Yes / No /~~ Not sure. Please provide supporting statement.]

This is supported.

Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.

Q20. Do you agree with our proposals for implementing a fast-track for beauty?

[~~Yes / No /~~ Not sure. Please provide supporting statement.]

The Council supports the objective of incentivising good design, though it has concerns regarding the lack of detail within the proposals:

- *Under the first limb, it suggests schemes will have a positive advantage and greater certainty about their prospects of swift approval where they comply with design guides and codes. Would this mean that proposals that comply with pre-set design parameters have a positive advantage over wider policies of non-compliance? This is particularly valid with regards to windfall schemes, where there they be legitimate concerns from both the LPA and communities regarding primarily the principle of development first and foremost. This could again undermine democratic accountability within the decision making process.*
- *What would the new mechanisms to fast track proposals and how would this compare to the determination of standard proposals?*
- *Under the second limb, clarity is required regarding the preparation of masterplans and design codes. Is it to be assumed these will be afforded the weight of SPD? If prepared in parallel with the local plan, will they be subject to scrutiny at examination? If as is suggested, these can also be prepared by the site promoter, clarification is required as to its status and whether any prior approval/consultation is required by the LPA?*

Pillar Three – Planning for infrastructure and connected places

Q21. When new development happens in your area, what is your priority for what comes with it?

[More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment]

As the LPA, it is our role to ensure that all of the necessary infrastructure can be viably be delivered on time to support the new development.

Dependent on the timing and funding sources available to the LPA, the priorities can evolve and change. The Infrastructure Delivery Plan [IDP] is the key document which identifies what and when infrastructure is required to support new development and is a living document.

Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

Q22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

[Yes / No / Not sure. Please provide supporting statement.]

It is accepted that the current regime is not operating effectively. A Levy based upon the end development value secured is welcomed though it remains unclear as to how this would operate against land values within the north east and the impact this would have on liability.

This is particularly concerning as it would appear the White Paper is proposing the tests around deliverability and viability are to be less onerous which would create issues for the effective infrastructure planning process.

Presently, we intend to reserve our judgement until there is a clearer understanding of what the threshold will be and how it will achieve land value capture especially in connection with the higher infrastructure asks relating to new Garden Communities. To use this as the only means to collect developer contributions in areas where development values are relatively low in comparison to elsewhere in the country may not achieve Government's objectives of reducing the reliance on public sector intervention. This is a very simplistic view which is based on the idea that 'one size fits all. However, simplifying the process in which a levy is set is to be welcomed as establishing and reviewing a CIL charging schedule is currently a very time consuming and expensive exercise for LPAs to undertake.

The Planning White Paper Feb 2017 'Fixing Our Broken Housing Market' referred to the independent review which was published alongside that white paper. This advocated a twin track system of a low level Local Infrastructure Tariff [LIT] combined with Section 106 agreements for larger sites along with other recommendations regarding exemptions and vacant credit etc. This approach allowed for all development to contribute to infrastructure, but for additional funding to be secured on the larger, more viable sites. It also addressed the issue of timing. CIL takes several years to accumulate sufficient funds to deliver infrastructure, while S106 allows for funding in a more timely manner.

Q22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

~~[Nationally at a single rate / Nationally at an area-specific rate / Locally]~~

Development values will vary significantly across regions and even local authority areas. Equally, the nature and range of infrastructure requirements will vary on a site by site basis and will accordingly impact on viability at a local level. This must be reflected within any future levy.

Care will be needed when setting rates to consider how the needs of the larger sites which will have particular infrastructure issues and considerations. Such sites may need to be either be exempt from any general Infrastructure or the flexibility should be retained for additional requirements to be captured using S106 or an equivalent mechanism.

Q22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?

~~[Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]~~

If as the White Paper alludes, there is an expectation that the burden of implementing these proposals would fall to the applicant/developer as opposed to the public purse. Though it remains unclear as to whether this would be secured through higher application fees or through the Levy. It would therefore seem reasonable that the Levy should capture a high value. However, there is concern that in areas such as the north east, land values are typically low and viability continues to remain an issue to secure the basic infrastructure requirements. Therefore, a balance has to be struck to ensure that any future Levy maintains flexibility to ensure that development is not unnecessarily stifled.

Q22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

[~~Yes~~ / ~~No~~ / ~~Not sure~~. Please provide supporting statement.]

The Council is concerned that payments would be paid upon the point of occupation. This wrongly assumes that all applicants will have cashflow issues that prohibit Levy payments at the point of the consent and all proposals have short term negative land values. Under these provisions it would appear that councils will take on the responsibility for delivering any advanced infrastructure works. This would require councils to adopt a high risk strategy and take on the financial risks of borrowing over multiple occasions especially where there is no guarantee that the land values will be realised at the point of occupation to secure the return on that borrowing. This is at a time when authorities have and will continue to be under significant financial pressures. This could leave councils reluctant to borrow when they do not really know what monies they can expect when considered against the risks that:

- Development does not happen*
- Sales are depressed and income slows to a level that does not meet repayments*
- There is an assumption that development value will increase, whilst in reality these can also decrease (thereby reducing anticipated income)*
- The high burden of administration for a levy to be paid upon occupation of each individual dwelling as the White Paper implies*
- If, on occupation does the liability become the occupier as at that point the developer has transferred ownership*
- In lower value areas such, the proposed Levy would secure a much smaller pot and the cost of providing infrastructure may not necessarily be reflected in that lower receipt.*

It is suggested that there should be a presumption that payments are paid at the point of consent, followed then by a regime that allows for a more flexible payment mechanism where it can be demonstrated that developer cash flow is an issue. Over longer build out periods (especially for Growth areas), the Levy should include a review mechanism to capture changes in values as schemes progress.

Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights

Q23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

[Yes / ~~No~~ / ~~Not sure~~. Please provide supporting statement.]

This is welcomed in order to capture the infrastructure needs that would inevitably arise from those currently exempt developments. It is essential that all development contributes proportionately to all infrastructure which supports the development. The removal of all exemptions should be considered. This would improve levels of income especially in the more rural areas of the country where self/custom build features more strongly and will become a greater feature within local plans as more are updated to include specific policies to encourage this type of development. For example, this Council consented a highly acclaimed development of around 1,900 new custom/self build and affordable dwellings. If it had been developer led, it would have been exempt from developer contributions under this proposal but there is still a requirement for significant infrastructure.

Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision

Q24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?

[Yes / ~~No~~ / ~~Not sure~~. Please provide supporting statement.]

It is considered that on-site provision of affordable housing should remain the starting point for any proposal. There is concern that in-kind payments could lead to a reduction in the number of affordable homes built particularly where there are wider land supply constraints within the locality or where a greater proportion of the in-kind payment is used to assemble land (as opposed to build the homes). Securing Affordable housing through S106 agreements allows the mechanism to ensure that affordable housing secured in perpetuity. Other mechanisms will need to be identified to ensure that stock of affordable housing is allowed to diminish.

Q24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

[Yes / No / Not sure. Please provide supporting statement.]

See Q24(d)

Q24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

[Yes / No / Not sure. Please provide supporting statement.]

See Q24(d)

Q24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?
[Yes / No / Not sure. Please provide supporting statement.]

This is a JOINT response to Q24(b) to (d). Great clarity is required for these proposals regarding:

- *At what stage in the planning process is the opportunity to resolve these matters?*
- *How does the provision of affordable homes fit in to the determination of planning as a material planning consideration?*
- *If councils are to mandate on-site delivery, can this still be negotiated away by viability arguments?*
- *If on-site delivery is not mandatory, how can councils set any policy levels for affordable housing if on-site delivery is down to being an incentive to reduce the infrastructure levy?*
- *The White Paper suggests councils can specify the forms and tenures for on-site delivery – is the expectation that there will be a standardised approach –either nationally or locally with regards to tenures?*
- *With regard to the potential ability to flip back on-site units to the developer if the market is such that the in-kind value is greater than the Levy's liability: who and when would make the decision be made? What if the council has nominated a RP who is under contract with the developer?*
- *If its accepted that low value areas will generate lower Levy receipts, how would councils be able to secure enough affordable housing in addition to the wider infrastructure requirements.*

Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy

Q25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

[Yes / No / Not sure. Please provide supporting statement.]

There is concern about widening scope of Levy spend which could be used for non-infrastructure projects and developments could be delayed due to wider priorities of those authorities.

Q25(a). If yes, should an affordable housing 'ring-fence' be developed?

[Yes / No / Not sure. Please provide supporting statement.]

See Q25.

EQUALITIES IMPACTS

Q26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

The Council has no view in this regard.

