

# **Eden District Council**

## **Planning Committee Minutes**

**Date: 12 December 2019 Venue: Cumbria Local Enterprise Partnership Conference and Business Centre, Redhills, Penrith, CA11 0DT Time: 1.30 pm**

### **Present:**

Chairman: Councillor W Patterson

Vice Chairman: Councillor I Chambers

Councillors:	M Clark	A Ross
	M Eyles	H Sawrey-Cookson
	D Holden	J G Thompson
	J C Lynch	D Wicks

Standing Deputies: Councillor P G Baker

Officers Present: Nick Atkinson, Planning Services Development Manager  
Alexander Strickland, Interim Assistant Director Governance

Others Present:

Democratic Services Officer: Karen Wyeth

### **Pla/101/12/19 Apologies for Absence**

Apologies for absence were received from Councillor Simpkins, Councillor Baker attended as substitute.

### **Pla/102/12/19 Minutes**

**RESOLVED** that:

- 1) the public minutes Pla/81/11/19 to Pla/93/11/19 of the meeting of this Committee held on 14 November 2019; and
- 2) the minutes Pla/91/11/19 to Pla/100/11/19 of the site meeting held on 28 November 2019

be confirmed and signed by the Chairman as a correct record of those proceedings.

### **Pla/103/12/19 Declarations of Interest**

Councillor Patterson gave a personal explanation with regard to planning application 19/0671 in that he was a Ward Councillor for this area and would be speaking in favour of this application.

Councillor Baker gave a personal explanation with regard to planning application 19/0684 in that he was involved in the Penrith Local Development Plan.

Councillor Thompson gave a personal explanation with regard to planning application 19/0729 in that he was known by the applicant but he confirmed that he had maintained an open mind on the issue and would treat the application on the merits.

Councillor Holden gave a personal explanation with regard to planning application 19/0729 in that she is a Councillor for this Ward.

Councillor Ross gave a personal explanation with regard to planning application 19/0729 in that she is a Councillor for this Ward.

Councillor Eyles gave a personal explanation in that he intended to record the meeting for personal reasons.

All members confirmed in relation to the above (at the request of the Monitoring Officer) that they had maintained an open mind on the matters to be considered.

### **Pla/104/12/19 Planning Issues**

**RESOLVED** that the attached lists of the Assistant Director Planning and Economic Development:

- a) Applications determined under office delegated powers for the month of November 2019 (attached as Appendix 1 to these minutes)
- b) Reasons for refusal on delegated decisions for the month of November 2019 (attached as Appendix 2 to these minutes)

be noted.

### **Pla/105/12/19 Planning Issues - Applications for Debate (Green Papers)**

Members were advised of the applications requiring a decision by Members as detailed in a report of the Assistant Director Planning and Economic Development.

**RESOLVED** that:

1. the following applications for planning permissions ("those applications") are determined as indicated hereunder;
2. those applications which are approved be approved under the Town and Country Planning Act, 1990, subject to any detailed conditions set out in the Report, to any conditions set out below and to any conditions as to time stipulated under Sections 91 and 92 of the Act;

3. those applications which are refused be refused for the reasons set out in the report and/or any reasons set out below;
4. those applications which the Assistant Director Planning and Economic Development is given delegated powers to approve under the Town and Country Planning Act, 1990, be approved by him subject to any detailed conditions set out in the Report, to any conditions as to time stipulated under Sections 91 and 92 of the Act, to the receipt of satisfactory replies.

**Pla/106/12/19 Planning Application No: 19/0671, Change of agricultural land to siting of 12 static holiday caravans, Langton Field, Langton, Appleby**

**Councillor Patterson declared an interest in this item and advised that he would stand down from the chair. Councillor Chambers took the chair for this item.**

**Councillor Patterson stated that he would speak on this item and then remain in the room.**

**The Committee received a presentation from Councillor B Govan, Murton Parish Council, in support of the application.**

**The Committee received a presentation from Councillor W Patterson, Ward Councillor, in support of this application.**

**The Committee received a presentation from Mr C Ashton, an agent, in support of this application.**

Proposed by Councillor Sawrey-Cookson  
Seconded by Councillor Thompson

that planning permission be refused for the following reasons:

1. The application site is isolated and poorly related to local services and facilities, and is remote from sustainable access to services or existing service provision and therefore would not contribute to the long term sustainable protection or enhancement of the natural environment, contrary to the aims of adopted Plan Policies LS1, RUR4, EC4 and the NPPF.
2. Due to the lack of existing effective and need for significant new boundary and re-enforced site screening, the development would result and be a significant and incongruous visual and character intrusion into an un-developed, rural area of sensitive open countryside within close visual proximity to an equally sensitive, designated landscape of national importance.

The applicant has failed to demonstrate that a satisfactorily overriding justifiable economic argument or significant local need exists for the development to an extent that would outweigh the harm that would be caused. As such, the proposed development fails to fulfil the criteria of sustainable development as outlined within the NPPF. Therefore, the proposal is considered to be contrary to the Policies LS1, RUR4, DEV1, DEV3, DEV5, EC4, ENV2 and ENV3 of the adopted Eden Local Plan.

For: 4

Against: 6

The motion therefore FELL.

Proposed by Councillor Eyles  
Seconded by Councillor Lynch

and **RESOLVED** that planning permission be GRANTED and that delegated power be given to the Assistant Director Planning and Economic Development to agree conditions to be attached to the decision notice.

**Pla/107/12/19 Planning Application No: 19/0636, Outline Planning Permission for uses classes B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) with approval for access, Land South West of Mile Lane, Redhills, Penrith**

**The Committee received a presentation from Mr D Addis, an agent on behalf of the applicant, in support of this application.**

Proposed by Councillor Wicks  
Seconded Councillor Thompson

and **RESOLVED** that planning permission be GRANTED subject to the following conditions:

#### **Time Limit for Commencement**

1. The development permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

**Reason:** In order to comply with the provisions of the Town and Country Planning Act 1990 (as amended).

2. The approval of the details of the scale, layout, external appearance of the buildings, drainage and the landscaping/boundary treatments of the site (called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

**Reason:** The application is in outline form only and is not accompanied by full detailed plans.

#### **Approved Plans**

3. The development hereby granted shall be carried out strictly in accordance with the application form dated 1 September 2019 and the following details and plans hereby approved;
  - i. Location Block Plan, submitted 1 September 2019;
  - ii. Design and Access Statement, dated September 2019;
  - iii. Flood Risk Assessment, dated September 2019;

- iv. Outline drainage strategy, ref. K36328, Revision A, dated 16 July 2019;
- v. Planning Statement, dated September 2019;
- vi. Satellite Block Plan, submitted 1 September 2019;
- vii. Transport Assessment, ref. A113591, dated 2 September 2019;
- viii. Proposed Access Plans, ref. A113591-P005 Revision P01, dated 21 October 2019;
- ix. Noise Assessment, ref. LAE1003.1. dated 19 October 2019;
- x. Phase 1 Desk Top Study Report, ref. 2019-3942, dated 18 October 2019.

**Reason:** To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the approved details.

#### **Prior to commencement**

4. Prior to the commencement of any development, a surface water drainage scheme, including ongoing management and maintenance, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. No surface water shall discharge to the public sewerage system either directly or indirectly.

Thereafter, the development shall be undertaken in accordance with the approved scheme.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

5. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety.

6. Prior to the commencement of the development details showing the provision within the site for parking, turning, loading and unloading shall be submitted of a vehicle turning space and parking within the site, shall be submitted to the Local Planning Authority for written approval. The approved parking, turning, loading and unloading areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

**Reason:** To ensure that provision is made for vehicle turning within the site and in the interests of highway safety.

7. The development shall not commence until visibility splays providing clear visibility for Southbound traffic of 215 metres measured 4.5 metres down the centre of the access road and Northbound 98 metres measured 4.5 metres down the centre of the access road to the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway have been constructed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) related to Permitted Development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to be grown within the visibility splay which obstructs visibility splays.

**Reason:** In the interests of highway safety.

8. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

**Reason:** In the interests of highway safety and environmental management.

9. No development shall commence until a construction surface water management plan has been submitted and agreed in writing with the local planning authority. Once agreed, the approved plan shall be adhered to thereafter.

**Reason:** To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

10. Development shall not be begun until a Construction Phase Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include details of:
- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicant's expense;
  - details of proposed crossings of the highway verge;
  - retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
  - cleaning of site entrances and the adjacent public highway;
  - details of proposed wheel washing facilities;
  - the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
  - construction vehicle routing;

- The management of junctions to and crossings of the public highway and other public rights of way/footway;
- Surface water management details during the construction phase;
- The surfacing of any access road from the public highway into the site shall extend for a minimum of 25 metres.

**Reason:** The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for:

- I. The parking of vehicles of site operatives and visitors;
- II. Loading and unloading of plant and materials;
- III. Storage of plant and materials used in constructing the development;
- IV. Wheel washing facilities;
- V. Measures to control the emission of dust and dirt during construction;
- VI. A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- VII. Measures to control noise and vibration.

Once the statement is approved, it shall then be implemented in accordance with these details thereafter.

**Reason:** In the interests of the amenity of the area.

12. A site investigation strategy as identified in the Desk Study report Ref 2019-3942 dated 18/10/19 submitted with the application above shall be undertaken by a competent person in accordance with the current UK requirements for sampling and analysis.

Where a site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days' notice to the Local Planning Authority (Environmental Health Department) prior to commencing works in connection with the remediation scheme.

**Reason:** In the interests of the amenity of the area and to ensure any risk of pollution is mitigated.

### **Prior to Occupation**

13. No buildings shall be occupied on site until:

- a) The approved remediation works required by condition 17 as necessary have been carried out in full in compliance with the approved methodology and best practice. If during the works new areas of contamination are discovered, which have not previously been identified, then the additional contamination shall be re-evaluated through the submission of a new assessment along with further remediation works.
- b) Upon completion of the remediation works required by condition 17 a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

**Reason:** To ensure that any risk of pollution is mitigated

14. Prior to the commencement of the development, a scheme showing the proposed lighting plan for the development shall be submitted to and agreed in writing with the Local Planning Authority. This shall show the location, number and type of lighting units proposed, their orientation and brightness in lux and proposed hours of operation. It shall also predict the light level in lux to be experienced at surrounding properties.

Once approved, the development shall then be carried out in accordance with the approved lighting scheme and retained thereafter as such.

**Reason:** In the interests of the amenity of the area.

### **On-going conditions**

15. There shall be no vehicular access to or egress from the site other than via the approved access.

**Reason:** To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.

16. The vehicular crossing, including the lowering of kerbs where necessary, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority.

**Reason:** To ensure a suitable standard of crossing for pedestrian safety.

17. Foul and surface water shall be drained on separate systems.

**Reason:** To secure proper drainage and to manage the risk of flooding and pollution.

18. The level of noise emitted from the proposed development shall not exceed a rating level of 51dB LAeq 1 hour, between 07:00-23:00 and 43dB LAeq 15 minute between 23:00-



07:00, as calculated 1 metre from the façade of the noise sensitive premises. The rating level refers to the specific sound level plus any adjustment for the characteristic features of the sound such as tonality and impulsivity, and is calculated following the British Standard 4142:2014.

**Reason:** In the interests of the amenity of the area.

19. The level of noise emitted by any proposed external mechanical services plant operated between 07:00-23:00 shall not exceed a Sound Power Level of 110dB, and a Sound Power Level of 97dB(A) between 23:00-07:00. Noise emitted from any activities on site shall not exceed 60dBLAmax 1 metre from the façade at noise sensitive premises, between 23:00-07:00.

**Reason:** In the interests of the amenity of the area.

20. Deliveries shall not occur between the times of 23:00-07:00.

**Reason:** In the interests of the amenity of the area.

### **Pla/108/12/19 Planning Application No: 19/0729, New conservatory to side elevation, 37 Monnington Way, Penrith**

**The Committee received a presentation from Mr P Machell, an objector in objection to the application.**

**The Committee received a presentation from Mr J Borthwick, the applicant, in support of the application.**

Proposed by Councillor Eyles  
Seconded by Councillor Ross

and **RESOLVED** that planning permissions be GRANTED subject to the following conditions:

It is recommended that planning permission be granted subject to the following conditions:

#### **Time Limit for Commencement**

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **Approved Plans**

2. The development hereby granted shall be carried out in accordance with the drawings hereby approved:
- i) Application form received 4 October 2019
  - ii) Location and Block plan, drawing no. JB 02 PL received 4 October 2019
  - iii) Proposed floor plan and elevations, drawing no. JB 01a PL received 8 November 2019

**Reason:** To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

### **Pre-Occupancy or Other Stage Conditions**

3. Prior to occupation of the conservatory hereby approved, obscure glazing (Satin Glass) shall be fitted in the entire north west elevation and shall thereafter be retained as such in perpetuity.

**Reason:** To safeguard the living conditions of the occupiers of the adjacent property at 35 Monnington Way.

### **Pla/109/12/19 Planning Application No: 19/0684, Change of use of former bank premises and development of upstairs residential until into 5 No residential apartments, 19 Boroughgate, Appleby**

Proposed by Councillor Lynch  
Seconded by Councillor Eyles

and **RESOLVED** that planning permission by APPROVED subject to the following conditions:

1. The development permitted shall be begun within three years starting with the date of this approval.

**Reason:** In order to comply with the provisions of the Town and Country Planning Act 1990 and S91 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **2. Approved Plans**

The development hereby granted shall be carried out in accordance with the drawings hereby approved:

- Site location and block plans, drawing Ref Nos 1937 EX 100 and PL 200 as dated received by the Local Planning Authority on the 19 September 2019.
- Proposed Floor Plans and Layout, drawing Ref Nos 1937 PL 300,301 and 3012 Revs A as dated received by the Local Planning Authority on the 19 September 2019.
- Proposed elevations, drawing Ref Nos 1937 PL 500 and 501 Revs A dated as received by the Local Planning Authority on the 19 September 2019.
- Schedule of Areas, drawing Ref No 1937 PL 800 as dated received by the Local Planning Authority on the 19 September 2019.

**Reason:** To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

### **Pla/110/12/19 Confirmation of Site Visits (if any)**

There were no site visits confirmed at this meeting.

**Pla/111/12/19 Any Other Items which the Chairman decides are urgent**

No items of urgent business were raised at this meeting.

**Pla/112/12/19 Date of Next Meeting**

The date of the next scheduled meeting was confirmed as 16 January 2020.

The meeting closed at 3.50pm

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