

Eden District Council

Planning Committee Minutes

Date: 15 April 2021 Venue: This meeting was held virtually, therefore there was no venue Time: 9.30 am

Present:

Chairman:	Councillor W Patterson	
Vice Chairman:	Councillor M Eyles	
Councillors:	D Banks	H Sawrey-Cookson
	I Chambers	G Simpkins
	J C Lynch	D Wicks
	A Ross	
Standing Deputies:	Councillor P G Baker	
	Councillor G Nicolson OBE	
Officers Present:	Nick Atkinson, Planning Services Development Manager	
	Rebecca Harrison, Senior Solicitor	
Democratic Services Officer:	Nichola Baker and Heather Donaldson	

Pla/104/21 Apologies for Absence

At the start of the meeting, the Senior Solicitor advised that this meeting was being hosted remotely using conferencing software which allowed members, Officers and public attendance whilst being able to protect themselves and others, and observe the Government's social distancing measures.

The Senior Solicitor also stated that all votes during this meeting would be taken though an informal recorded vote, though would not be noted as such in the minutes.

A roll call of those Members in attendance remotely was then taken.

Apologies were received from Councillor Holden, Councillor Baker attended as substitute and from Councillor Martin, Councillor Nicolson attended as substitute.

Pla/204/21 Minutes

RESOLVED that the public minutes Pla/129/03/21 to Pla/142/03/21 of the meeting of this Committee held on 18 and 19 March 2021 be confirmed and signed by the Chairman as a correct record of those proceedings.

Pla/304/21 Declarations of Interest

Councillor Baker gave a personal explanation with regard to planning application 20/0877 as he had been lobbied in respect of this application.

Councillor Banks gave a personal explanation with regard to planning application 20/0658 in that he wished to speak for the applicant and would be leaving the meeting for the duration of the item.

Councillor Chambers gave a personal explanation with regard to planning application 20/0877 as he had been lobbied in respect of this application.

Councillor Eyles gave a personal explanation in that he was recording the meeting.

Councillor Patterson gave a personal explanation with regard to planning application 20/0877 as he had been lobbied in respect of this application.

Councillor Sawrey-Cookson gave a personal explanation with regard to application 21/0095 as he was a customer of the objector. He stated that he came to the meeting with an open mind and would vote on the application.

Councillor Simpkins gave a personal explanation with regard to planning application 20/0877 as he had been lobbied in respect of this application.

Councillor Wicks gave a personal explanation with regard to planning application 20/0877 as she is was the Ward Member and had been lobbied in respect of this application.

Pla/404/21 Appeal Decision Letters

Members considered report PP11/21 of the Assistant Director Development which detailed decision letters received since the last meeting.

Application Number(s)	Applicant	Appeal Decision
20/0386	<p>Mr Dougi Hall, Holiday Accommodation, Adjacent to Wayside, Crackenthorpe, Appleby, CA16 6AF</p> <p>The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.</p> <p>The development proposed is described as, Application is a second go following withdrawal of application ref 19/0746. Addition of first floor balcony to the front elevation of the already approved holiday accommodation. Balcony to be supported by stone pillars matching the already approved holiday cottage with black metal railings in-keeping with the</p>	The appeal is dismissed.

	surrounding area (see 'SHA-0419-00-00-A – Design, Access and Planning Statement'). Balcony floor construction to be timber decking.	
20/0423	<p>Ms Baycliffe, Rookby Scarth (adjacent to) Winton, Kirkby Stephen, CA17 4HU</p> <p>The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.</p> <p>The dwelling proposed is change of use and conversion of existing agricultural barn to new dwelling.</p>	The appeal is dismissed.
	<p>Ms Baycliffe, Rookby Scarth (adjacent to) Winton, Kirkby Stephen, CA17 4HU</p> <p>The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).</p> <p>The appeal was against the refusal of the Council to grant planning permission for the change of use and conversion of existing agricultural barn to new dwelling.</p>	The award of costs is refused.

RESOLVED that the report be noted.

Pla/504/21 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 March 2021;
 - b) Reasons for refusal on delegated decisions for the month of March 2021.
- be noted.

Pla/604/21 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 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/704/21 Planning Application No: 20/0877 Application to modify the S106 agreement relating to affordable housing, attached to application 17/0333 Land to the east of the Thorpe, Greystoke, Story Homes Ltd

The Chairman explained that only Committee Members who had been present at the meeting on the 18 March 2021 would be able to vote on this application.

Proposed by Councillor Chambers
Seconded by Councillor Lynch

and **RESOLVED** that permission is granted to vary the Section 106 agreement entered into under planning permission ref 17/0333 to the absolute satisfaction of the Assistant Director Development requiring the provision of:

- x6 units subject to discounted sale at 60% open market value subject to the price being capped in any event at 60% of the mean open market price of property in the area (affordable price cap).

Pla/804/21 Planning Application No: 20/0799 Variation of conditions: Section 73 application to develop land without compliance with conditions 14 (working hours of employees not resident on site) and 15 (register of occasions where employees not resident on site work until 8pm), attached to approval 20/0133 Land adjacent to Fernbank, Great Strickland Applegarth Foods - Mrs K Twentyman

The Planning Services Development Manager explained that, since publication, there had been a further response from an objector and provided further details of the objection and the case officer's response.

The Committee received a presentation from Mr M Harvey, an objector, in objection to the application.

The Committee received a presentation from Mr G Clark, an agent, in support of the application.

Proposed by Councillor Eyles

Seconded by Councillor Chambers

and **RESOLVED** that planning permission be GRANTED subject to the following conditions, and with delegated authority to the officers to amend condition 14 to address the activity on the site between 9.30pm and 11.30pm:

1. The development permitted shall be begun before the expiration of three years from the date of the original permission 20/0133 (16 July 2020).
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.
2. The development hereby granted shall be carried out strictly in accordance with the application form and following details and plans hereby approved:
 - Proposed location plan Rev V5 01 dated 12 12 2019;
 - Proposed site plan Rev V5 01 dated 12 12 2019;
 - Ground floor plan rev V5.1 Rev04 dated 10 2 2020;
 - Dwelling first floor and elevations rev V5.1 Rev04 dated 10 2 2020;
 - Work unit elevations rev V5.1 Rev04 dated 10 2 2020;
 - Garage and timber shed rev V5.1 Rev04 dated 10 2 2020;
 - Design and Access Statement date-stamped 20 Feb 2020;
 - Business Plan May 2020
 - Combined Drainage, Splays and Landscape plan rev A dated 25 1 2021**Reason:** To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.
3. The development shall be carried out in accordance with the approved surface water drainage scheme dated 3/12/2020, as revised 25/1/2021 approved under application 20/0942. The approved scheme shall be implemented in full before the occupation of the development, and shall be retained as such thereafter.
Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding.
4. The new access and visibility splays for the development shall be carried out in accordance with the Combined Drainage, Splays & Landscape plan dated 3/12/2020 approved under application 20/0942. The approved scheme shall be implemented in full before the occupation of the development, and shall be retained as such thereafter.
Reason: In the interests of highway safety.

Before construction works above foundation level commence

5. Samples or full details of all external materials proposed for the development shall be submitted to and approved by the Local Planning Authority in writing prior to their use on site. Development shall be carried out in accordance with the approved details.
Reason: To ensure that the materials are acceptable and in keeping with this sensitive location. The condition is considered necessary to be complied with prior to occupation as compliance with the requirements of the condition at a later time could result in unacceptable harm contrary to the policies of the Development Plan.
6. The landscaping of the site shall be carried out in accordance with the Combined Drainage, Splays and Landscape plan rev A dated 25/1/2021 approved under

application 20/0942. The approved landscaping scheme shall be implemented in full before the occupation of the development, and shall be retained as such thereafter.

Reason: In the interests of the privacy and amenity of neighbouring occupiers.

Before the first use or occupation of the development

7. The live/work unit shall not be occupied until the vehicular access and turning requirements have been constructed in accordance with the approved plan and have been brought into use. The vehicular access turning provisions shall be retained and capable of use at all times thereafter.

Reason: In the interests of highway safety.

8. Any vehicular access gates installed shall open inwards only.

Reason: In the interests of highway safety.

Ongoing Conditions

9. Construction works shall be carried out only between 0800 – 1800 hours Mondays – Fridays; 0900 – 1300 hours on Saturdays and there shall be no building operations on Sundays and Bank Holidays.

Reason: In the interests of the amenity of neighbouring occupiers.

10. No deliveries to the site in connection with the catering business shall take place outside the hours of 0800 – 1800 hours on any day of the week, except on up to 10 occasions per year, when deliveries may take place between 0700 and 0800. A register shall be kept and made available to the Local Planning Authority on request detailing each occasion on which deliveries are made before 0800.

Reason: In the interests of the amenity of neighbouring occupiers and providing for the infrequent occasions when deliveries are required slightly earlier than usual.

11. The business floorspace of the live/work unit hereby approved shall not be used for any purpose other than in connection with the catering business, or in any provision equivalent to its Class set out in the Town and Country Planning (Use Classes) Order 1987 (or any order revoking, re-enacting or modifying that Order with or without modification).

Reason: To ensure the work element of the proposal is maintained ensuring that the development cannot become an unrestricted dwelling in the countryside which would otherwise be contrary to policy.

12. The work element floorspace of the live/work unit hereby permitted shall be occupied within three months of the residential element being occupied, and shall continue to be used only as a workspace. The balance of living area and working floor space shall be maintained in accordance with that shown on the approved plans. The residential floorspace of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floorspace of the associated unit, a widow or widower of such a person, or any resident dependants.

Reason: To ensure the live/work unit operates as a cohesive development and so that either the live or work elements are not occupied independently of one another which would otherwise be contrary to policy.

13. There shall be no internal alterations which would lead to a reduction in the area of the building allocated on approved plans as being used for employment purposes.

Reason: To ensure the work element of the proposal is maintained ensuring that the development cannot become an unrestricted dwelling in the countryside which would otherwise be contrary to policy.

14. No more than 2 members of staff shall assist in the work-unit element of the development between the hours of 6.00pm and 9.30pm. The work unit shall not be in operation between 11.00pm and 7.00am.

Reason: In the interests of the amenity of neighbouring residents.

15. Any external lighting of the site shall be motion-sensor operated.

Reason: In the interests of the amenity of neighbouring residents.

16. The fire door on the northern elevation of the work unit shall be kept closed except for emergency use.

Reason: In the interests of the amenity of neighbouring residents.

17. The roller shutter door of the work unit shall be installed in accordance with the details submitted by email 26/2/21 and shall be retained as such thereafter.

Reason: In the interests of the amenity of neighbouring residents.

Pla/904/21 Planning Application No: 21/0095 Outline application for erection of a dwelling with all matters reserved Land at Rose Cottage, Blencarn, CA10 1TX Mr J R Turnbull

The Committee received a presentation from Mr A Stones, an objector, in objection to the application.

The Committee received a presentation from C Richardson, Chairman Culgaith Parish Council, in objection to the application.

The Planning Services Development Manager read out a statement on behalf of Mr J Turnbull, the applicant, in support of the application.

Proposed by Councillor Sawrey-Cookson
Seconded by Councillor Baker

and **RESOLVED** that the application be REFUSED as:

1. the development would result in an adverse and detrimental impact upon the built environment contrary to Policy DEV5 of the Eden Local Plan; and
2. the development would fail to protect the amenity of neighbouring residential properties and future residents contrary to Policy DEV5 of the Eden Local Plan.

Proposed by Councillor Chambers
Seconded by Councillor Baker

and **RESOLVED** that the meeting go beyond three hours.

Councillor Banks left the meeting at 12:16.

The meeting was adjourned at 12:12.

The meeting was reconvened at 12:24.

Pla/1004/21 Planning Application No: 20/0658 Proposed residential development Land South of Beacon View, Little Salkeld Ms J Curwen

The Committee received a presentation from Councillor Banks, the ward councillor, in support of the application.

The Committee received a presentation from Miss J Curwen, the applicant, in support of the application.

The Committee received a presentation from Mr D Addis, an agent, in support of the application.

Proposed by Councillor Sawrey-Cookson that the application be refused in line with officer recommendations.

The motion failed to find a seconder and therefore FELL.

Councillor Nicolson left the meeting at 13:00

Proposed by Councillor Chambers
Seconded by Councillor Wicks

and **RESOLVED** that planning permission be GRANTED with delegated powers granted to officers to apply appropriate conditions.

Pla/1104/21 Confirmation of Site Visits (if any)

No site visits were confirmed at this meeting.

Pla/1204/21 Any Other Items which the Chairman decides are urgent

No items of urgent business were raised at this meeting.

Pla/1304/21 Date of Next Meeting

The date of next meeting was confirmed as 20 May 2020.

The meeting closed at 1.14 pm

.....