

Eden District Council

Cabinet Minutes

**Date: 24 May 2022 Venue: Council Chamber, Town Hall, Penrith
Time: 6.00 pm**

Present:

Chair: Councillor V Taylor

Vice Chair: Councillor M Robinson

Councillors: J Derbyshire L Sharp
K Greenwood M Tonkin
M Rudhall

Officers Present: Ian Frost, Interim Chief Executive
Paul Sutton, Interim Director of Resources
Lisa Tremble, Assistant Director Legal and Democratic Services
Laura Cadman, Assistant Director Delivery
Amanda Yellowley, Assistant Director Customers and Performance

Democratic Services Officer: Ian Bonfig

CAB/130/05/22 Apologies for Absence

No apologies for absence were received.

CAB/131/05/22 Declarations of Interest

The following declaration of interest was made:

Councillor Derbyshire noted that she would from abstain voting on Agenda Item 8 as she sat on the Lake District National Park Planning Authority and that it was likely that the matter would come before its Planning Committee, where she would want to take part in the discussion.

The Monitoring Officer confirmed that Councillor Derbyshire did not have to leave the room.

CAB/132/05/22 Minutes

Proposed by Councillor Taylor
Seconded by Councillor Sharp

and **RESOLVED** that:

1. the public minutes CAB/117/04/22 to CAB/129/04/22; and
2. the confidential minute CAB/128/04/22;

of the meeting of the Cabinet held on the 19th April 2022 be confirmed and approved by the Chair as a correct record of those proceedings.

CAB/133/05/22 Questions and Representations from the Public

Questions

Mr Peter Salway submitted the following question under Rule 5 of the Cabinet (Executive) procedure rules of the Constitution.

According to the website <https://acvsupport.co.uk>, ACV status on a property not only gives a Community the right to bid, but that achieving this status should protect the Inn via the “removal of permitted development rights for change of use and demolition – owners seeking to change a pub’s planning use, class or to demolish it must allow the community and customers of the pub to comment.”

My question is, this appears to be applicable to what is happening to the Crown & Mitre. If the Council disagree, can they please explain why.

The Leader gave the following response:

The Town and Country Planning (General Permitted Development) Order 1995 was amended in 2015. These amendments relate to certain permitted developments and provide that during a specified period, certain development is not permitted in relation to a specified building. The Lake District National Park is the planning authority for the property in question so it would not be appropriate for this Council to comment on the use of the property or the application of these regulations.

Mr David Kitchen submitted the following question under Rule 5 of the Cabinet (Executive) procedure rules of the Constitution; the question was read by the Monitoring Officer due to Mr Kitchen’s absence at the meeting:

Does the council feel that it is in the interests of community to have an unsupervised 24 person holiday let in the centre of a village community of approx. 50 residents ? Bearing in mind the same village already has a 32 person holiday let within 0.5 miles and several other holiday lets/airbnb’s /second homes within the village.

The Leader gave the following response:

The Council’s views on tourist development might be seen in the extract from our Local Plan quoted in the application for ACV status. However the planning authority for Bampton is the LDNP so EDC’s policies are not applicable.

As politicians, we are extremely concerned about the prevalence of second homes and the increase in Air BnB and similar property use. I can assure Mr Kitchen that we lobby central government for powers which will enable us to address the situation, which indeed threatens the sustainability of our communities, more effectively.’

Ms Aileen Salway submitted the following question under Rules 5 of the Cabinet (Executive) procedure rules of the Constitution.

I refer to the quote below from the Camra website

“Most local authorities have planning policies that help protect valued community facilities and ACV-listing is clear evidence that the community does indeed value the pub. Some Councils have policies which single out ACV-listed facilities for higher levels of protection. National planning policy recognises that ACV listing should be a ‘material consideration’ in planning decisions.”

With submitting a request for ACV status on the Crown and Mitre where the majority of permanent households agreed to its submission, would the Council agree that this property is clearly valued by the local community and as such should have some level of protection around its use now and in the future, especially as it is operating as a large holiday let.

The Leader gave the following response:

The Council accepts that the group that has nominated this asset does view the property as an asset to the Community.

The use of a property is a matter of planning law and policy and it is open to local planning authorities to take ACV status into account as a material consideration when determining planning applications, but the weight given to it will be a matter for the decision-maker, which in this case is the Lake District National Park Authority.

Ms Salway asked the following supplementary question:

If the Council would grant the ACV for this property it might help us in keeping the coaching inn as a historic coaching inn for our community if the council would grant it, so would you agree to that for us?

The Leader gave the following response:

I realise it's a bit sort of litigious, but I just have to repeat what I just said, which is that it's a matter for the decision maker, which is the Lake District National Park Authority.

Mr Jonathan Davies submitted the following question under Rules 5 of the Cabinet (Executive) procedure rules of the Constitution:

I wish to ask how the cabinet can consider using S106 funding to provide capital grants to developers that in some cases have made the commitment as part of planning application S106 agreements to provide affordable homes that Eden council are now subsidising it appears if the grants are approved in item 7 tonight and other grant applications also for consideration by the cabinet for developments. That based on information received over the weekend means the applicant has no planning application put forward or approved to Eden as the planning authority and also does not own the land the grant funding is proposed for to provide properties on.

Given the governments proposed changes to S106 requirements on affordable homes

would Eden not be better placed by delivering directly affordable homes potentially via the councils own Heart of Cumbria Ltd company instead of subsidising already agreed affordable homes that are part of S106 agreements and giving grants for developments not even approved for development at this time.

The Housing and Health Portfolio Holder gave the following response:

Housing Developers and Registered Providers would ordinarily ensure that they have all of the necessary funding in place prior to submitting a planning application. Notwithstanding that, the Council could approve the initial allocation of funds, but any payment would still be subject to the necessary due diligence having been completed, such as proof of land ownership, planning permission and review of the business case.

In relation to the direct delivery of affordable housing units. The work undertaken to review the Heart of Cumbria showed that direct delivery is not financially sustainable and therefore funds from section 106 more appropriately spent in partnership with those providers who are delivering in the Eden District.

Mr Jonathan Davies asked the following supplementary question:

One of these grant applicants has previously agreed in planning to provide for affordable homes which now the council are looking to subsidise potentially, if the grants are approved this evening, is it not that council are actually subsidising what was originally agreed in planning applications to get that planning passed now?

The Housing and Health Portfolio Holder advised Mr Davies that a written response would be provided.

Representations

Members received written representations from two members of the public in relation to Item 8 on the agenda.

CAB/134/05/22 Questions from Members

No questions were received from Members.

CAB/135/05/22 Corporate Performance Report: Quarter 4 - 1 January 2022 - 31 March 2022

Members considered the report DoR28/33 of the Interim Director of Resources, which sought to update the Cabinet regarding the progress against the revised corporate performance targets, for the period 1 January 2022 – 31 March 2022.

Proposed by Cllr Taylor
Seconded by Cllr Robinson

and **RESOLVED** that the progress for Quarter 4 2021/2022 be noted.

Reasons for the Decision/ Recommendation:

To advise Members of progress against outcomes.

CAB/136/05/22 Capital Grants for Affordable Housing Projects

Members considered the report DCE25/22 of the Assistant Director Communities, which sought Cabinet approval for a number of capital grant applications from Registered Providers (RPs) to support Affordable Housing projects.

Proposed by Cllr Derbyshire
Seconded by Cllr Taylor

and **RESOLVED** that:

1. the four applications set out at paragraph 3.7 of the report be approved; and
2. recommended that Council approve the budgets for Capital Grants totalling £554, 000 to be included in the Capital Programme 2022/23 to be funded from Section 106 receipts.

Reasons for the Decision/Recommendation:

To provide capital grants to RP's for affordable housing projects within the district

CAB/137/05/22 Asset of Community Value: Crown and Mitre

Members considered the report DoR30/22 of the Assistant Director Legal and Democratic Services, in respect of the nomination of the Crown and Mitre, Bampton Grange, as an Asset of Community Value under the Localism Act 2011.

Proposed by Cllr Taylor
Seconded by Cllr Rudhall

and **RESOLVED** that:

1. the application be deferred to give the community group time to clarify their assessment of how the land is eligible for nomination as in Section 88 of the Act; in particular how it 'further[s] the social interests of the local community' and 'it must be realistic to think' that such a use 'can continue' in the future; alternatively that there was a time 'in the recent past' and that there will be a time 'in the next five years' where it would do so again; and that
2. the nomination be reconsidered by Cabinet at its meeting on 21 June 2022.

CAB/138/05/22 Devolution of Assets

The Portfolio Holder for Resources gave background to the work of the Devolution of Assets Task and Finish Group of the Overview and Scrutiny Committee and Members then considered the report DCE16/22 of the Assistant Director Delivery, which sought to update Members how to proceed with the review into the devolution of assets to Parish Councils.

Proposed by Cllr Greenwood
Seconded by Cllr Sharp

and **RESOLVED** that:

1. that pending Local Government Reorganisation (LGR), the recommendations in this report will replace any previous decisions made in relation to the devolution of assets; further
2. that no recharges in relation to the provision of footway lighting are levied in 2022/2023 as a good will gesture for those Councils who have adopted their footway lighting; further
3. that provision is made to sustain the footway lighting contract until the end of its current term in 2027 giving Parish Councils the option to complete on those already engaged in transfer process; further
4. that a program is established to remove sodium lights without replacements as they cease to function; further that as amended and agreed
5. that existing policies in relation to any future transfer and existing maintenance for remaining play areas and toilets remain unchanged; and
6. that £500 be paid in 2022/2023 to the adopting Councils of public conveniences as an ex gratia payment towards running costs.

Reasons for the Decision/Recommendation:

The intended purpose of the transfer of assets review is no longer valid and that considerations should be made for those parishes to have taken on assets.

CAB/139/05/22 Patterdale Parish Community Land Trust - Application to Community Housing Fund

Members considered the report DCE24/22 of the Assistant Director Communities, which presented an application to the Community Housing Fund from the Patterdale Parish Community Land Trust for additional funding of £395,000 to mitigate rising construction and labour costs and to upgrade the proposed properties to Passivhaus standards.

Proposed by Cllr Derbyshire
Seconded by Cllr Taylor

and **RESOLVED** that the application be supported and approved.

Reasons for the Recommendation:

Approval of the application is recommended because the application meets the requirements and aims of the Community Housing Fund, and provides much needed affordable housing in Glenridding.

CAB/140/05/22 COP 26 Award Delegation

Members considered the report DCE31/22 of the Assistant Director Delivery, which sought authorisation to grant the Green Growth Portfolio Holder delegated power to award grants under the COP26 fund.

Proposed by Cllr Rudhall
Seconded by Cllr Tonkin

and **RESOLVED** that the Green Growth Portfolio Holder be granted delegated authority by Cabinet to award grants under the COP26 Community Fund.

Reasons for the Decision/Recommendation:

- 1. Delivery of the COP 26 community fund is a strategic priority designed to support communities in striving for a zero carbon Eden.
- 2. Failure to provide smooth and speedy awards for the fund may result in opportunities for match funding to be lost for schemes or hinder delivery.
- 3. To provide a more responsive awarding process which will enable more grants to be awarded prior to vesting day.

CAB/141/05/22 Any Other Items which the Chair decides are urgent

There were no urgent items of business raised by the Chair.

CAB/142/05/22 Date of Next Scheduled Meeting

The date of the next scheduled meeting was confirmed as Tuesday, 21st June 2022.

The meeting closed at 6.57 pm

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