

Eden District Council

Planning Committee Minutes

Date: 19 August 2021 Venue: The Council Chamber, Town Hall, Penrith Time: 9.30 am

Present:

Chairman: Councillor W Patterson

Councillors:	I Chambers	A Ross
	M Eyles	H Sawrey-Cookson
	M Hanley	G Simpkins
	E Martin	

Standing Deputies: Councillor P G Baker

Officers Present: Nick Atkinson, Planning Services Development Manager
Ian Irwin, Principal Planning Officer
Rebecca Harrison, Senior Solicitor

Democratic Services Officer: Lewis Powell

Pla/38/08/21 Apologies for Absence

Apologies for absence were received from Councillor Holden, Councillor Baker attending as substitute, Councillor Wicks and Councillor Lynch.

Pla/39/08/21 Minutes

RESOLVED that the public minutes Pla/24/07/21 to Pla/37/07/21 of the meeting of this Committee held on 15 July 2021 be confirmed and signed by the Chairman as a correct record of those proceedings.

Pla/40/08/21 Declarations of Interest

Councillor Chambers gave a personal explanation in relation to application 20/0404 in that the applicant was a customer of his. The applicant had asked Councillor Chambers why there was a delay in the application and the Councillor had made inquiries with the Planning Team about this.

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

In respect of Planning Application 21/0252 the Chairman declared that all members of the Planning Committee has been lobbied.

Pla/41/08/21 Questions and Representations from Members of the Public

No questions or representations were received from the public under rules 10 and 11 of the Council Procedure Rules of the Constitution.

Pla/42/08/21 Questions and Representations from Members

No questions or representations were received from Members under Rules 11 and 12 of the Council Procedure Rules of the Constitution.

Pla/43/08/21 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 July 2021
- b) Reasons for refusal on delegated decisions for the month of July 2021

Pla/44/08/21 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 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/45/08/21 Planning Application No: 21/0252 Erection of a dwelling including associated operations Land north of the Rectory, Greystoke, CA11 0TJ Mr N Richards

The Planning Services Development Manager read out a statement on behalf of Mr M Bousfield, an objector, in objection to the application.

The Planning Services Development Manager read out a statement on behalf of I Agudo, an objector, in objection to the application.

The Committee received a presentation from Mr N Richards, the applicant, in support of the application.

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

Proposed by Councillor Martin
Seconded by Councillor Chambers

For: 7
Against: 2

and **RESOLVED** that consideration be deferred for a site visit.

Pla/46/08/21 Planning Application No: 20/0424 Change of Use of agricultural land for the siting of 73 lodge style caravans, landscaping and ancillary works Ullswater Heights Holiday Homes and lodge Park, Silver Howe, Flusco Leisure Resorts Ltd

The Principal Planning Officer informed the meeting that subsequent to the publishing of the agenda a further response had been received from United Utilities concerning drainage. He provided further details of the response and the resulting condition which read:

**“The hereby approved development shall not include any hot tubs”
Reason: In the interests of securing proper drainage and managing the risk of flooding and pollution.**

The Planning Services Development Manager read out a statement from Dr A Rich, on behalf of Dacre Parish Council, in objection to the application.

The Committee received a presentation from Miss W Socket, agent for the applicant, in support of the application.

Proposed by Councillor Martin
Seconded by Councillor Eyles

For: 8
Against: 1

and **RESOLVED** that planning permission be granted, subject to the following conditions, and including the amendment outlined by the Principal Planning Officer.

That the application is granted subject to the completion of a s.106 legal agreement securing the following:

- a) A £6,600 financial contribution towards the Travel Plan Monitoring.

And the following conditions:

Time Limit for Commencement

1. The development permitted shall be begun either 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.

Approved Plans

2. The development hereby granted shall be carried out strictly in accordance with the application form dated 25 June 2020 and the following details and plans hereby approved:
 - i. Location Plan, ref. H2-190903-2, dated 10 June 2020;
 - ii. Development Layout Plan, ref. H2-1900903-1, dated 10 June 2020;
 - iii. Phase 2 Land Quality Assessment, ref. 4179R1, dated 6 May 2021;
 - iv. Ecological Appraisal, ref. P20-114, dated June 2020;
 - v. Economic Benefit Report, dated February 2019;
 - vi. Flood Risk Assessment, Ullswater Heights Holiday Home and Lodge Park dated June 2020;
 - vii. Landscape and Visual Impact Assessment, dated May 2020;
 - viii. Landscape and Visual Impact Assessment, Viewpoint Photographs, dated May 2020;
 - ix. Landscape and Visual Impact Assessment, Site Survey Photographs, dated May 2020;
 - x. Planning, Economic, Design and Access Statement, dated June 2020;
 - xi. Transport Assessment, ref. P1430-160320 Ullswater Transport Assessment, dated June 2020;
 - xii. Travel Plan, ref. P1430-160320 Ullswater Travel Plan, dated June 2020;
 - xiii. Desktop Preliminary Environmental Risk Assessment, ref. AEL-4491-PP1-1011468, dated 19 October 2020;
 - xiv. Microdrainage Results, dated 20 October 2020;
 - xvii. Proposed Drainage Results, ref. 133201, Rev. 1, dated 19 October 2020;

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

Prior to commencement

3. Prior to the commencement of the development, details of a construction surface water management plan shall be submitted to the Local Planning Authority for written approval. Once approved, those details shall be implemented for the duration of all construction works.

Reason: To ensure flood risk is not increased within the site or elsewhere.

4. Prior to the commencement of this hereby approved development a scheme of hard and soft landscape planting shall be submitted to the Local Planning Authority and approved in writing. The scheme shall include appropriate aftercare and management plans. Thereafter, the development shall be undertaken in accordance with the approved scheme, with all planting undertaken within the first available planting season. Any trees or other plants which die or are removed within the first five years following

the implementation of the approved scheme shall be replaced during the next planting season. The landscape scheme proposed should be informed by the recommendations of the Ecological Appraisal, dated June 2020.

Reason: To protect the character and visual amenity of the area.

5. Prior to the commencement of the development hereby approved, a foul and surface water drainage scheme, including a maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
 - (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

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

6. Prior to the commencement of the hereby approved development, full details of an Ecological Mitigation and Management Plan shall be submitted to the Local Planning Authority for written approval. The plan shall provide full details of how any potential impacts to any protected species that may be affected by the hereby approved development. Once approved, the plan shall be strictly adhered to for the duration of the development.

Reason: To ensure appropriate protection for protected species.

7. Prior to the commencement of the hereby approved development, full details of the precise design of the lodges to be constructed upon site, including details of construction materials and finishes, shall be submitted to the Local Planning Authority for written approval. Once approved, those details shall be adhered to for the lifetime of the development.

Reason: In the interests of the visual amenity and character of the area.

8. Prior to the commencement of the development, details of all external lighting affixed either to the lodges or within the site boundary shall be submitted to and approved in writing by the Local Planning Authority. The details shall comprise a light spill plan to demonstrate that the local dark sky will not be compromised and once approved shall be adhered to for the duration of the development.

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

Prior to use and occupation

9. Prior to the hereby approved development being brought into use The approved gas protection scheme within the remedial plan, shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.

Reason: To ensure appropriate contaminated land contamination measures are implemented prior to occupation of the hereby approved lodges.

On-going conditions

10. The occupation of the lodge style caravans indicated on the Development Layout Plan, ref. H2-1900903-1, dated 10 June 2020 shall be for holiday purposes only. The site operator shall maintain an up-to-date register of names and addresses of the occupiers of the lodge style caravans, including those that are owner occupied, together with their dates of occupation, and shall make the register available to the local planning authority upon request.

Reason: The development is not a permanent residential accommodation site and in the interests of the amenity and character of the area.

11. The hereby approved lodge style caravans located on site as indicated on the Development Layout Plan, ref. H2-1900903-1, dated 10 June 2020 shall be maintained to a good standard of repair to the satisfaction of the Local Planning Authority throughout their retention on site.

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

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

Reason: In the interests of road safety.

13. Within 6 months of the development opening for business, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the development opening for business.

Reason: To aid in the delivery of sustainable transport objectives.

14. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval, the Travel plan will then be monitored for a 5 year period.

Reason: To aid in the delivery of sustainable transport objectives.

15. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy

detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall then be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

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

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

Note to developer:

1. This decision notice grants planning permission only. It does not override any existing legal agreement, covenant or ownership arrangement. It is the applicant's responsibility to ensure all necessary agreements are in place prior to the commencement of development.
2. The applicant must apply for a licence prior to disturbing any protected species, specifically Great Crested Newts and should obtain such from Natural England prior to the commencement of any development.

Pla/47/08/21 Planning Application No: 20/0404 Proposed residential dwelling Land at Gloucester Yard, Penrith Mr and Mrs Naylor

Proposed by Councillor Baker
Seconded by Councillor Eyles

For: 9
Against: 0

and **RESOLVED** 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 20/05/2020
 - ii As Proposed Location Plan (116-138A -01) received 20 May 2020
 - iii As Existing Plan, Sections and Elevations (116-138A-02) received 20 May 2020
 - iv As Proposed Site Plan (116-138A=03C) received 20 May 2020

- v As Proposed Ground Floor Plan, Elevations and Section (116-138A-04A) received 20 May 2020
- vi As Proposed First and Second Floor Plan, Sections and Elevations (116-138A-05) received 20 May 2020
- vii As Proposed Site Sections (116-138A-06) received 04 December 2020
- viii Design and Access Statement (116-138A) received 30 June 2020

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

Permitted Development Restricted

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that Order) no development falling within Schedule 2, Part 1, Class A, B, C, D and E of Part 1 Schedule 2 to that Order shall be carried out without the express permission of the Council in writing.

Reason: To prevent the overdevelopment of the site and to safeguard the living conditions of adjoining properties and the visual appearance of the building.

Details of Landscaping

4. No development shall take place until full details of both hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that the development is landscaped in the interest of the visual character and appearance of the area.

Details of Walls and Fences

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The development shall be carried out in accordance with the approved details.

Reason: To protect the visual appearance of the area and the living conditions of neighbouring occupiers.

Construction Hours

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

Reason: To safeguard the amenity of residents living nearby.

Surface Water Drainage System

7. Prior to the commencement of development a construction surface water management plan shall be submitted to and agreed in writing with the local planning authority. Thereafter, all works shall be undertaken in accordance with the approved plan.

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

Foul and Surface Water Connection

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

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

Pla/48/08/21 Confirmation of Site Visits (if any)

The Planning Services Development Manager confirmed that a site visit would take place at Land north of the Rectory, Greystoke, on the 2nd of September, with deliberation taking place at the Council Chamber, Penrith Town Hall.

Pla/49/08/21 Any Other Items which the Chairman decides are urgent

There were no items which the Chairman felt were urgent.

Pla/50/08/21 Date of Next Meeting

The date for the next scheduled meeting was confirmed as 16 September 2021.

The meeting closed at 11.15 am

.....