

# Eden District Council

## Planning Committee Minutes

**Date: 17 February 2022 Venue: The Council Chamber, Town Hall, Penrith Time: 9.30 am**

### Present:

Chairman: Councillor W Patterson

Vice Chairman: Councillor D Wicks

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

Standing Deputies: Councillor P G Baker

Officers Present: Richard Fox, Planning Services Development Manager  
Karen L Thompson, Planning Officer (Development Control)  
Rebecca Harrison, Senior Solicitor

Democratic Services Officer: Lewis Powell

### Pla/137/02/22 Apologies for Absence

No apologies for absence were received.

### Pla/138/02/22 Minutes

Proposed by Councillors Wicks

Seconded by Councillor Martin

and **RESOLVED** that the public minutes Pla/123/01/22 to Pla/136/01/22 of the meeting of this Committee held on 20 January 2022 be confirmed and signed by the Chairman as a correct record of those proceedings.

### Pla/139/02/22 Declarations of Interest

Councillor Wicks declared an interest in relation to Planning Application No: 21/0355 in that she had attended a virtual tour concerning the application, she was not predetermined towards the application.

Councillor Martin declared an interest in Planning Application No: 21/0533 in that she is the Chairman of Hesket Parish Council, and the application had been discussed at the Parish Meeting, she would step down from Committee on this application.

Councillor Baker declared an interest in relation to Planning Application No: 21/0355 in that he had attended a virtual tour two years ago concerning the application, he was not predetermined towards the application.

### **Pla/140/02/22 Questions and Representations from Members of the Public**

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

### **Pla/141/02/22 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/142/02/22 Appeal Decision Letters**

Members considered Report No: DCE11/22 of the Assistant Director Development which detailed decision letters received since the last meeting.

<b>Application No:</b>	<b>Applicant</b>	<b>Appeal Decision</b>
20/0443	<p>Mrs Andrea Harker</p> <p>Land adjacent to Village Green, Swillings Lane, Little Musgrave, Kirkby Stephen CA17 4PQ</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 single storey self-build dwelling and change of use of agricultural land to residential curtilage (Class C3).</p>	The appeal is dismissed.

**RESOLVED** that the report be noted.

## **Pla/143/02/22 Planning Issues**

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

- a) Applications determined under officer delegated powers for the month of January 2022.

## **Pla/144/02/22 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/145/02/22 Planning Application No: 21/0355 Erection of an industrial building for research and development to include workshop, test areas, offices, exhibition space, café/coffee shop and an underground car park alongside site works to include gated entrances, turning heads, set-down areas and an overflow car park Land north of Mile Lane, Penrith, CA11 0DS Barrnon Ltd**

*The Planning Services Development Manager informed the meeting that this item was deferred at the last meeting due to a request from a third party to be called in by the Secretary of State. The Planning Services Development Manager further explained that the Committee can debate and resolve the item, but they cannot formally issue the decision notice until the expiration of the Secretary of State's Holding Direction.*

The Committee received a presentation from Mr Oakley, originally an objector, who now spoke in support of the application.

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

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

Proposed by Councillor Lynch  
Seconded by Councillor Chambers

That the Committee recommend the application for approval, in line with officer recommendations. The proposal and recommendation by Committee also recognises that delegation is given to the Assistant Director Planning and Economic Development to issue the decision notice subject to the withdrawal of the holding order from the Secretary of State.

Councillor Ross proposed an amendment to the motion to include provision of cycle ways, and also a condition that requires a full and independent assessment of how biodiversity loss can be minimised.

Councillor Lynch rejected this amendment. Therefore the amendment FELL.

Councillor Ross proposed an amendment in that condition 21 be altered to also add reference to the provision of cycle ways.

Councillor Lynch accepted this amendment to the motion.

Proposed by Councillor Lynch  
Seconded by Councillor Chambers

For: 10  
Against: 1  
Abstain: 0

and RESOLVED that the Committee recommend the application for approval, in line with officer recommendations, subject to amendment of condition 21 to include the addition of cycle ways. The proposal and recommendation by Committee also acknowledges that delegation is given to the Assistant Director Planning and Economic Development to issue the decision notice subject to the withdrawal of the holding order from the Secretary of State.

### **Time Limit for Commencement**

1. The development hereby approved 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 (as amended).

2. The development hereby approved shall be carried out in accordance with the drawings and documents hereby approved:
  - Location Plan (ref: 2006 – PL001 – Rev.A), received 18 May 2021;
  - Proposed Site Plan (ref: 2006 – PL200) – Rev.B), received 18 January 2022;

- Proposed Site Plan – Detail (ref: 2006 – PL210 – Rev.B), received 18 January 2022;
- Site Sections (ref: PL260), received 18 January 2022;
- Ground and Basement Plan (ref: 2006 – PL300), received 8 March 2021;
- First Floor Plan (ref: 2006 – PL301), received 8 March 2021;
- Roof Plan (ref: 2006 – PL302), received 2 March 2021;
- Sections – Page 1 of 2 (ref: 2006 – PL400), received 2 March 2021;
- Sections – Page 2 of 2 (ref: 2006 – PL401), received 2 March 2021;
- Elevations (ref: 2006 – PL500), received 2 March 2021;
- Tetra Tech ‘Transport Assessment’ (ref: 784-B024890 – Revision 3), received 9 April 2021;
- Tetra Tech ‘Transport Assessment Addendum’, received 9 April 2021;
- Rowan Tree Surveys ‘Tree Survey, Arboricultural Report and Tree Constraints Plan’ (ref: 0057), received 9 April 2021;
- Rowan Tree Surveys ‘Tree Protection Measures’, received 4 May 2021;
- Environmental Solutions Ltd ‘Biodiversity Net Gain Assessment’, received 16 November 2021;
- Biodiversity Net Gain Assessment Plan (ref: JN00498/DW02), received 16 November 2021;
- Environmental Solutions Ltd ‘Preliminary Ecological Appraisal’ (ref: JN0498/D01), received 16 June 2021;
- Design and Access Statement, received 9 April 2021;
- Tweddell and Slater ‘Drainage Strategy’, received 9 April 2021;
- Tweddell and Slater ‘Flood Risk Assessment’, received 9 April 2021;
- Martec Environmental Consultants Ltd ‘Noise Assessment’ (ref: 2021039 8978 Penrith BS4142.docx), received 9 April 2021;
- Construction Traffic Management Plan, received 16 June 2021;
- Meridian Geoscience ‘Phase 1 Desk Study’ (ref: Phase 1 Desk Study – Rev.O – April 2021), received 9 April 2021;

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

## **Prior to commencement**

3. The development hereby approved shall not commence until the access and parking requirements have been constructed in accordance with the approved plans. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered.

**Reason:** To ensure a minimum standard of access provision when the development is brought into use.

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. No development shall commence until a Construction Surface Water Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved plan at all times during the construction works.

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

6. Prior to the commencement of the development, a scheme to demonstrate how boundary trees and hedgerows will be protected, shall be submitted to and approved in writing. Thereafter, the approved measures shall be implemented prior to the commencement of any site clearance, demolition or construction works and maintained throughout the duration of the construction phase.

**Reason:** In the interest of protecting the visual amenity of the area.

7. Prior to commencement of development, details of the retaining wall and earthworks to be constructed to retain the former railway track bed and formation together with a road vehicle access point to serve the location of the future rail connection with the NRIL WCML track should be submitted to and approved by the local planning authority, in accordance with the principles identified on plan ref. 2006 PL260 approved as part of this permission. The development should thereafter be implemented in accordance with the approved details.

**Reason:** To facilitate the potential long term reopening of the former railway line.

## Other stage conditions

8. The carriageways, footways, 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 and approved in writing by the Local Planning Authority. No works shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the 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.

9. The development hereby approved shall not be commenced until the access road, as approved, is defined by kerbs and sub base construction.

**Reason:** To ensure that the access road is defined and laid out at an early stage.

10. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development hereby approved is occupied/brought into use.

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

11. Within 6 months of the development hereby approved (or any part thereof) opening for business, the developer shall prepare and submit to a Travel Plan to the Local Planning Authority for approval in writing. The plan shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from 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 (or any part thereof) opening for business.

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

12. 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.

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

13. The development hereby approved shall be undertaken in accordance with the Tree Protection Measures set out within the Rowan Tree Surveys 'Tree Protection Measures', received 04 May 2021. The measures shall be erected on site prior to the commencement of the development and retained at all times throughout the duration of the construction works.

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

14. Prior to the first occupation or use of the buildings/development hereby approved, 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.

15. Prior to the first use or occupation of the development hereby approved, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme of plantings shall also include the mitigation measures and plantings as set out within Section 4 of the Environmental Solutions Ltd 'Biodiversity Net Gain Assessment', received 16 November 2021. Thereafter, the development shall be undertaken in accordance with the approved details.

**Reason:** In the interests of ensuring the development achieves a biodiversity net gain, and in the interest of protecting the visual amenity and character of the area.

### **On-going conditions**

16. 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.

17. Access gates, if provided, shall be hung to open inwards only away from the Mile Lane highway.

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

18. The development shall be undertaken at all times in accordance with the recommendations and mitigation measures set out within Section 7.0 of the Martec Environmental Consultants Ltd 'Noise Assessment' (ref: 2021039 8978 Penrith BS4142.docx), received 9 April 2021.

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

19. No construction, demolition or site clearance works shall take place except between the following hours:

08:00 – 18:00hrs Monday to Friday

09:00 – 13:00hrs Saturdays

And at no times on Sundays or Bank (or Public) holidays.

**Reason:** In the interest of protecting the amenity of the area.

20. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway or waterway or aerodrome. Any signs shall be sited to ensure vertical and horizontal clearance



between the sign and footway/carriageway that conforms with highway signing regulations.

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

21. Footways and cycleways shall be provided that link continuously and conveniently to the nearest footway. Pedestrians links within and to and from the site shall be provided that are convenient to use.

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

22. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) 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 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.

23. The development hereby approved shall be undertaken in strict accordance with the Construction Traffic Management Plan, received 16 June 2021, at all times during the construction phase.

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

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

**Reason:** To ensure 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/consents are in place prior to the commencement of development and to take appropriate advice thereon if required.
2. The applicant is reminded that will need to seek a Traffic Regulation Order (TRO) under the Road Traffic Regulation Act 1984 in relation to the existing weight restriction applicable to Mile Lane.
3. Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

4. Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.
5. If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for. To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk). Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.
6. Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction. For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:  
Water assets – [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk) and Wastewater assets – [WastewaterDeveloperServices@uuplc.co.uk](mailto:WastewaterDeveloperServices@uuplc.co.uk).

**Pla/146/02/22 Planning Application No: 21/0549 Change of use of agricultural land for the sitting of timber clad caravan lodges Whitbarrow Field, Berrier, Penrith Mr D Norton**

*At 10:32 the meeting was adjourned.*

*At 10:35 the meeting was reconvened.*

The Planning Services Development Manager informed the meeting that at page 81, paragraph 2.23 there was an error, in that the penultimate line should read west rather than north on the access.

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

Proposed by Councillor Wicks  
Seconded by Councillor Martin

For: 10  
Against: 1  
Abstain: 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.

**Approved Plans**

2. The development hereby granted shall be carried out strictly in accordance with the application form received 08 June 2021 and the following details and plans hereby approved;

- Assessed Scheme of Lighting received 17 October 2021;
- Business Review received 9 June 2021;
- Design and Access Statement received 9 June 2021;
- Flood Risk Assessment NPD received 11 June 2021;
- Further Design and Access Assessment received 17 October 2021;
- Landscape Management Plan received 17 October 2021;
- Layout Plan received 9 June 2021;
- Light Spill received 17 October 2021;
- Lighting Assessment received 17 October 2021;
- Location Plan received 9 June 2021;
- Planning Statement received 6 June 2021;
- Planning Review received 17 October 2021;
- Preliminary Ecological Appraisal received 17 October 2021;
- Residential Receptor Location Plan received 17 October 2021;
- Transport Statement received 11 June 2021;
- Landscape and Visual Impact Assessment received 9 June 2021;
- Sustainable Homes Design Solutions received 22 October 2021;
- Sustainable Homes Benefits received 22 October 2021

**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 hereby approved, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) 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.

The development shall be completed, maintained and managed in accordance with the approved details.

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

4. Prior to the commencement of the development hereby approved, 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.

5. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include details of:

- Retained areas for vehicle parking, manoeuvring. Loading and unloading for their specific purpose during the development;

- Cleaning of the site entrances and the adjacent public highway where necessary;
- Details of proposed wheel washing facilities;
- The sheeting of all HGV's 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/footways;
- Details of any proposed temporary access points (vehicular/pedestrian);
- Surface water management details during the construction phase.

**Reason:** To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

6. Prior to the commencement of the development hereby approved, a programme of archaeological work in accordance with a written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority. The written scheme will include the following components:

- An archaeological evaluation;
- An archaeological recording programme the scope of which will be dependent upon the results of the evaluation;
- Where significant archaeological remains are revealed by the programme or archaeological work, there shall be carried out within one year of the completion of that programme on site; a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of the results for publication in a suitable journal.

**Reason:** To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains.

7. Prior to the commencement of the development hereby approved, details of tree protection measures to ensure the protection of all trees to be retained around the perimeter of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved details at all times during construction works.

The area beneath the spread of the branches of the trees to be retained as shown on the approved drawings shall not be used for the storage of building materials, plant, machinery or other items, or for vehicular access or for the burning of materials of any kind.

**Reason:** To prevent damage to the trees in the interest of the visual character and appearance of the area.

8. Prior to the commencement of development a landscaping scheme shall be submitted to and approved in writing by the local planning authority.

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

#### **Other stage conditions**

9. Before first use of the site, or within 12 months from the date of this permission being implemented (whichever is the sooner), the approved landscaping scheme shall be 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.

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

10. Prior to their installation on site and first use, 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.

11. Prior to their installation on site and first use, 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.

12. 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.

13. Prior to the commencement of development full details of the sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority.

**Reason:** To avoid surface water runoff and to enhance the ecology of the site.

### **Ongoing conditions**

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

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

16. The development hereby approved shall be undertaken in accordance with the recommendations in the preliminary ecological appraisal and landscape management plan.

**Reason:** In the interests of preserving and enhancing the ecological and biodiversity value of the site.

17. The occupation of all of the caravans hereby approved 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 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.

18. The hereby approved caravans 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.

19. 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.

**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. No work should be commenced, or allow any person to perform works, on any part of the public highway until in receipt of an appropriate permit allowing such works.

3. Prior to any work commencing on the watercourse the applicant should contact the Lead Local Flood Authority on tel: 01228 221331 or email: LFRM.consent@cumbria.gov.uk to confirm if an Ordinary Watercourse Flood Defence Consent is required.

**Pla/147/02/22 Planning Application No: 21/0533 Reserved Matters application appearance, landscaping, layout and scale, attached to approval 17/1003 Land adjacent Forge Court, Low Hesket, Carlisle Mr H Barrow - Greenwood Properties Limited**

*At the beginning of this item Councillor Martin stood down from the Committee and did not vote on this item, she returned to the Committee on completion of this item.*

The Committee received a written representation from J Kipling, in his absence the Planning Services Development Manager delivered the representation.

The Committee received a presentation from Councillor Ryland, Ward Councillor for Hesket.

Proposed by Councillor Lynch  
Seconded by Councillor Chambers

For: 8  
Against: 0  
Abstain: 3

and **RESOLVED** that a site visit be undertaken in relation to this item.

**Pla/148/02/22 Planning Application No: 21/0834 Creation of Carpark for Scheduled Ancient Monument Long Meg Land South of Long Meg, Little Salkeld North Pennines AONB Partnership - Ms F Knox**

The Committee received a presentation from Mrs F Knox, the applicant, in support of the application.

Proposed by Councillor Eyles  
Seconded by Councillor Ross

For: 11  
Against: 0  
Abstain: 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 14 September 2021
- ii) Site Plan received 14 September 2021
- iii) Information (Google Map) received 14 September 2021
- iv) Response to Planning Questions received 14 December 2021
- v) Pre-development Arboricultural Report received 25 January 2022

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

#### **Before the Development is Commenced**

3. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2012 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires shall be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

**Reason:** In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site, in support of Policies DEV5, ENV1 and ENV2 of the Eden District Local Plan 2014-2032. It is necessary for the condition to be on the basis that "No development shall commence until" 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.

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

4. The replacement sections of hedgerow to be provided adjacent the new car park, as identified in green on Drawing ref. AH/AIA/181121 'Pre-development Arboricultural Report' (Revised version received 25 January 2022) shall be planted in strict accordance with a detailed scheme that has first been submitted to and approved in writing by the local planning authority. The scheme shall be approved by the local

planning authority before the car park is brought into use. The scheme shall include details of the following where relevant (this list is not exhaustive):

- new areas of planting plus planting densities
- new groups and individual specimen trees and shrubs to be planted
- specification/age/heights of trees and shrubs to be planted
- existing trees and shrubs to be retained or removed
- any tree surgery/management works proposed in relation to retained trees and shrubs
- any remodelling of ground to facilitate the planting
- timing of the landscaping in terms of the phasing of the development
- protection, maintenance and aftercare measures

**Reason:** To ensure that a satisfactory landscaping scheme is implemented, in the interests of public and environmental amenity and biodiversity, in accordance with Policies DEV5, ENV1 and ENV2 of the Eden District Local Plan 2014-2032.

5. The new access as approved shall be surfaced in bituminous or cement bound materials, or otherwise bound for the first 10m to prevent loose stone being tracked onto the highway and constructed before any part of the development permitted is first brought into use.

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

### **Ongoing Conditions**

6. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented and maintained, in the interests of public and environmental amenity, in accordance with Policies DEV5, ENV1 and ENV2 of the Eden District Local Plan 2014-2032.

7. No hedgerows adjacent to or surrounding the new car park (including existing retained hedgerows and newly planted items) shall be removed either in their entirety or partially, neither shall any substantive structural alteration be undertaken to said hedgerows once the development has become operational.

**Reason:** To ensure that long term protection is afforded to all trees/hedges to be retained on site, so that the development will remain in accord with Policies DEV5, ENV1 and ENV2 of the Eden District Local Plan 2014-2032.

### **Note to Developer**

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 East [streetworks.east@cumbria.gov.uk](mailto:streetworks.east@cumbria.gov.uk) for the appropriate permit.

## **Pla/149/02/22 Quarterly Planning Performance Report - 2021/22 Quarter 3**

*At 12:01 Councillor Chambers left the meeting*

Members considered Report No: DCE14/22 of the Assistant Director Development which sought to provide Members with an overview of the ongoing performance of the Council's Planning Development Management Service in relation to Key Performance Indicators and Planning Enforcement matters.



During discussion on the report, a number of points were raised by Members. Members mentioned planning enforcement, and queried the link between enforcement and enforcement prosecutions, and that prosecution figures should be included in the report. The Senior Solicitor expressed that enforcement action is related to expediency, and that enforcement has a number of different routes. For instance minor enforcement issues may not require legal action, and may just be a matter of negotiation, and as such it wouldn't be transparent to just focus on prosecutions. Members also expressed that the report should show outcomes in relation to enforcement cases. The Planning Services Development Manager also reiterated that enforcement also involves a degree of negotiation, and may not result in a prosecution. Members also expressed that they would like to see the type of notices that had been issued in relation to enforcement, and the number that had been complied with in the report.

*At 12:12 Councillor Lynch left the meeting.*

and **RESOLVED** that the report be noted.

**Pla/150/02/22 Confirmation of Site Visits (if any)**

A Site Visit on Application 21/0533 was confirmed as taking place on the 3 March 2022.

**Pla/151/02/22 Any Other Items which the Chairman decides are urgent**

There were no other items which the Chairman felt were urgent.

**Pla/152/02/22 Date of Next Meeting**

The date of the next meeting was confirmed as the 17 March 2022

The meeting closed at 12.15 pm

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