

Eden District Council

Planning Committee Minutes

Date: 21 April 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
	D Holden	H Sawrey-Cookson
	J C Lynch	G Simpkins

Standing Deputies: Councillor L Sharp

Officers Present: Richard Fox, Planning Services Development Manager
Rebecca Harrison, Senior Solicitor
Gemma Gaskell, Planning Officer
Caroline Zalkind, Planning Officer

Democratic Services Officer: Lewis Powell

Pla/170/04/22 Apologies for Absence

Apologies for absence were received from Councillor Hanley, with Councillor Sharp deputising.

Pla/171/04/22 Minutes

Councillor Martin commented that on Pla/139/02/22 that she did not leave the room, she sat in the public gallery for that item. The minutes were amended to reflect this correction.

Proposed by Councillor Ross
Seconded by Councillor Wicks

and **RESOLVED** that:

1. the public minutes Pla/137/02/22 to Pla/152/02/22 of the meeting of this Committee held on 17 February 2022, including the above amendment to Pla/139/02/22 and;
2. the public minutes Pla/153/03/22 to Pla/169/03/22 of the meeting of this Committee held on 17 March 2022 be confirmed and signed by the Chairman as a correct record of those proceedings.

Pla/172/04/22 Declarations of Interest

Councillor Martin declared a personal interest in relation to Application No: 21/1054 in that she was a customer of the business, she was not predetermined and would still vote on the item.

Councillor Chambers declared an interest in that he was the ward member for Application No: 20/0637. He had not engaged with the item in this capacity and would still vote on the item.

Pla/173/04/22 Appeal Decision Letters

Members considered report **/** of the Assistant Director Planning and Economic Development which detailed decision letters received since the last meeting.

Application Number(s)	Applicant	Appeal Decision
21/0330	<p>Mr Graham Lund</p> <p>Fallowfield, Cliburn, Penrith, CA10 3AL</p> <p>The appeal is made under section 78 of the Town and Country Planning Act 1990 against a</p> <p>refusal to grant planning permission.</p> <p>The development proposed is the construction of 4 dwellings.</p>	The appeal is dismissed.
21/0086	<p>Mr Bruce Johnson</p> <p>42 Wordsworth Street, Penrith, Cumbria, CA11, 7QY</p> <p>The appeal is made under section 78 of the Town and Country Planning Act 1990 against a</p> <p>refusal to grant planning permission.</p> <p>The development proposed is a replacement single storey extension.</p>	The appeal is dismissed.

21/0159	<p>Mr and Mrs T Cockburn</p> <p>Land southeast of Sawmill Cottage,</p> <p>Penruddock, CA11 0RD</p> <p>The appeal is made under section 78 of the Town and Country Planning Act 1990 against a</p> <p>refusal to grant planning permission.</p> <p>The development proposed is erection of a dwelling including associated operations.</p>	<p>Appeal A against the decision of Eden District Council</p> <p>Appeal A is dismissed.</p>
7/2021/3032	<p>Mr and Mrs T Cockburn</p> <p>Land southeast of Sawmill Cottage,</p> <p>Penruddock, CA11 0RD</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 erection of a dwelling including associated operations.</p>	<p>Appeal B against the decision of the Lake District National Park Authority.</p> <p>Appeal B is dismissed.</p>

RESOLVED that the report be noted.

Pla/174/04/22 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 2022
- b) Reasons for refusal on delegated decisions for the month of March 2022

Pla/175/04/22 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 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/176/04/22 Planning Application No: 20/0637 Creation of retaining wall, floating deck and platform over stream for solar panels, and alterations to existing walls for flood defence, part retrospective The Meeting House, Quakers Lane, Sockbridge, Penrith, CA10 2JR Mr Ian Graham

Members received a presentation from Mr Graham, the applicant, in support of the application.

Members commented on condition 6, and questioned the need for a condition which restricted the use of the Solar Panels to 25 years.

Councillor Ross proposed the following amendment to condition 6, "The solar panels shall be replaced or the solar panels and platform hereby permitted shall be removed within 6 months of the development failing to produce electricity for a continuous period of 12 months. Where removed, the development shall be decommissioned and all related above-ground infrastructure shall be removed from the site.

Reason: In the interests of the visual amenity of the area and in regard to the degradation of energy generations from panels over time."

Proposed by Councillor Eyles
Seconded by Councillor Lynch

For: 11
Against: 0
Abstain: 0

and **RESOLVED** that Planning Permission be GRANTED subject to the following conditions, including the amendment listed above:

Approved Plans

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

- i. Amended proposed site and located plan, referenced REF1, received on 22 January 2021
- ii. Amended proposed block plan, referenced PLAN 6a, received on 22 January 2021
- iii. Amended proposed south boundary wall elevation plan, titled Wall Profile, received on 22 February 2021
- iv. Proposed south boundary wall site plan, referenced PLAN 2b, received on 2 September 2020
- v. Proposed eastern boundary wall elevation plan, referenced PLAN 20b, received on 15 January 2021
- vi. Proposed retaining wall and northern boundary treatment plan, referenced PLAN 1c, received on 2 September 2020
- vii. Solar Array Platform Drawing referenced 21-355-DWG001 Rev: A received 3 October 2021
- viii. Floating Platform/Balcony Drawing referenced 21-355-DWG002 Rev: A received 3 October 2021
- ix. Proposed rear garden, retaining wall, deck and platform site plan, referenced 5a, received on 2 September 2020
- x. Proposed Structures Adjacent Watercourse, Tirril - Structural Details received 3 October 2021

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

Before the development is completed or other stage conditions

2. Prior to completion of south boundary treatment to the Quaker burial ground, red triangular coping stones shall be installed across the entire approved south boundary wall to match the adjacent boundary treatments to the Quaker burial ground, and shall be retained as such at all times thereafter.

Reason: In the interest of visual amenity of the area and the setting of the listed building.

3. Prior to completion of the retaining wall to Lady Beck and prior to the commencement of the approved floating deck and solar platform, all external elevations to the retaining wall shall be externally finished in natural limestone with recessed mortar to match the adjacent beck headwall, and shall be retained as such at all times thereafter.

Reason: In the interest of visual amenity of the area and the setting of the listed building.

4. Prior to the commencement of the approved floating deck and solar platform, details of the surface treatment and balustrades to these developments shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall then be constructed in accordance with the approved details, and retained as such at all times thereafter.

Reason: In the interest of visual amenity of the area and the setting of the listed building.

5. Any drainage infrastructure should be cut back to the wall structure so as to avoid any potential risk of damage to the pipe work and or risk of being wash downstream and causing a blockage or pollution issues.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

6. The solar panels shall be replaced or the solar panels and platform hereby permitted shall be removed within 6 months of the development failing to produce electricity for a continuous period of 12 months. Where removed, the development shall be decommissioned and all related above-ground infrastructure shall be removed from the site.

Reason: In the interests of the visual amenity of the area and in regard to the degradation of energy generations from panels over time.

Pla/177/04/22 Planning Application No: 21/1054 Listed building consent for the replacement of existing timber shop front door with UPVC 38-39 Great Dockray, Penrith Mr J Willan

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

Members commented on the proposed UPVC door, with questions being raised on the sustainability of such a door, the feasibility of a hardwood door being utilised, and the impact on the existing street scene.

Proposed by Councillor Eyles
Seconded by Councillor Lynch

For: 9
Against: 2
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 Planning (Listed Buildings and Conservation Areas) Act 1990.

Approved Plans

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

- i. Application Form received 1 December 2021
- ii. Site Plan received 9 January 2022
- iii. French Door Details (QT004833) received 1 December 2021
- iv. Heritage Asset Statement received 9 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. Samples of the materials to be used shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and this condition shall apply notwithstanding any indications as to these matters which have been given in this application. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the historic interest of the building. 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.

Note to Developer

Please note that as your property is a listed building and/or within a conservation area then any replacement windows or doors cannot be carried out under a competent person scheme and you must notify the Council's Building Control team directly at building.control@eden.gov.uk

Pla/178/04/22 Confirmation of Site Visits (if any)

No site visits were proposed at this meeting.

Pla/179/04/22 Any Other Items which the Chairman decides are urgent

The Planning Services Development Manager informed the meeting that he was arranging a training session in regards to nutrient neutrality and the implications this has on planning developments. He would get back in touch with Members to choose a suitable time for the training.

Pla/180/04/22 Date of Next Meeting

The date of the next meeting was confirmed as being 19 May 2022.

The meeting closed at 10.25 am

.....