

Date: 13 April 2022



District Council

Town Hall, Penrith, Cumbria CA11 7QF

Tel: 01768 817817

Email: cttee.admin@eden.gov.uk

Dear Sir/Madam

Planning Committee Agenda - 21 April 2022

Notice is hereby given that a meeting of the Planning Committee will be held at 9.30 am on Thursday, 21 April 2022 in The Council Chamber, Town Hall, Penrith.

Please note: if you would like to attend this meeting, we request that you contact Democratic Services to let us know. Contact details are below*. We would also request that wherever possible, those attending continue to wear face coverings and practice hand sanitising measures. This is due to ongoing concerns in relation to the Covid pandemic.

1 Apologies for Absence

2 Minutes

To sign the minutes:

1. Pla/137/02/22 to Pla/152/02/22 of the meeting of this Committee held on 17 February 2022; and
2. Pla/153/03/22 to Pla/169/03/22 of the meeting of this Committee held on the 17 March 2022 as a correct record of those proceedings.

3 Declarations of Interest

To receive any declarations of the existence and nature of any private interests, both disclosable pecuniary and any other registrable interests, in any matter to be considered or being considered.

4 Appeal Decision Letters (Pages 5 - 18)

To receive report DCE27/22 from the Assistant Director Development which is attached and which lists decision letters from the Planning Inspectorate received since the last meeting:

| Application No. | Applicant/Appeal | Appeal Decision |
|------------------------|--|--------------------------|
| 21/0330 | Mr Graham Lund Fallowfield, Cliburn, Penrith, CA10 3AL | The appeal is dismissed. |

| | | |
|-------------|---|--|
| | <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 the construction of 4 dwellings.</p> | |
| 21/0086 | <p>Mr Bruce Johnson 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 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 Land southeast of Sawmill Cottage, Penriddock, 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 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, Penriddock, 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> |

5 Planning Issues (Pages 19 - 32)

To note the attached lists of the Assistant Director Development.

- Applications determined under officer delegated powers for the month of March 2022.
- Reasons for refusal and requirement of prior approval on delegated decisions

for the month of March 2022.

6 Planning Issues - Applications for Debate (Green Papers) (Pages 33 - 56)

To consider the reports of the Assistant Director Development on the following applications:

| Item No | Application Details | Officer Recommendation | Page Number |
|----------------|---|---|--------------------|
| 1 | 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 | Recommended to: APPROVE Subject to Conditions | 35-48 |
| 2 | 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 | Recommended to: APPROVE Subject to Conditions | 49-56 |

7 Confirmation of Site Visits (if any)

To confirm the date and location of any site visits that may have been agreed.

8 Any Other Items which the Chairman decides are urgent

9 Date of Next Meeting

The date of the next scheduled meeting be confirmed as May 19 2022.

Yours faithfully,



I Frost
Interim Chief Executive

*Democratic Services Contact: Email: cttee.admin@eden.gov.uk
or telephone: 01768 212266

Encs

For Attention

All members of the Council

Chairman – Councillor W Patterson (Independent Alliance Group)

Vice Chairman – Councillor D Wicks (Conservative Group)

Councillors

I Chambers, Conservative Group
M Eyles, Liberal Democrat Group
M Hanley, Labour Group
D Holden, Liberal Democrat Group
J C Lynch, Conservative Group

E Martin, Independent Group
A Ross, Green Group
H Sawrey-Cookson, Independent Group
G Simpkins, Liberal Democrat Group

Standing Deputies

P G Baker, Liberal Democrat Group
D Banks, Independent Alliance Group
R Briggs, Conservative Group
M Clark, Independent Group
L Harker, Liberal Democrat Group
D Lawson, Green Group

A Meadowcroft, Conservative Group
G Nicolson OBE, Conservative Group
L Sharp, Labour Group
D Smith, Liberal Democrat Group
A Armstrong, Conservative Group

Please Note: Under the Openness of Local Government Bodies Regulations 2014 this meeting has been advertised as a public meeting (unless stated otherwise) and as such could be filmed or recorded by the media or members of the public

Report No: DCE27/22

Eden District Council

Planning Committee
21 April 2022

Appeal Decision Letters

Report of the Assistant Director Development

Attached for Members' information is a list of Decision Letters received since the last meeting:

| Application Number(s) | Applicant | Appeal Decision |
|-----------------------|--|---|
| 21/0330 | <p>Mr Graham Lund Fallowfield, Cliburn, Penrith, CA10 3AL</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 the construction of 4 dwellings.</p> | The appeal is dismissed. |
| 21/0086 | <p>Mr Bruce Johnson 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 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 Land southeast of Sawmill Cottage, Penriddock, 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 A against the decision of Eden District Council</p> <p>Appeal A is dismissed.</p> |

| Application Number(s) | Applicant | Appeal Decision |
|-----------------------|--|---|
| 7/2021/3032 | <p>Mr and Mrs T Cockburn Land southeast of Sawmill Cottage, 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 Lake District National Park Authority</p> <p>Appeal B is dismissed.</p> |

Fergus McMorrow
Assistant Director Development

Appeal Decision

Site visit made on 15 March 2022

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2022

Appeal Ref: APP/H0928/W/21/3287566

Fallowfield, Cliburn, Penrith, CA10 3AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Graham Lund against the decision of Eden District Council.
 - The application Ref 21/0330, dated 31 March 2021, was refused by notice dated 1 November 2021.
 - The development proposed is the construction of 4 dwellings.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - Whether or not the proposed development represents piecemeal development of the wider site and whether or not it makes adequate provision for affordable housing;
 - Whether or not the proposed development provides an adequate mix of housing;
 - The effect of the proposed development on biodiversity;
 - Whether or not the proposed development makes adequate provision of amenity space;
 - Whether or not the proposed development adequately incorporates sustainable design features; and
 - Whether or not the proposed development would be provided with adequate drainage.

Reasons

Whether piecemeal development

3. The appeal site consists of vacant land either side of Fallowfield, a cul-de-sac serving a number of houses. The settlement hierarchy in Policy LS1 of the *Eden Local Plan 2014 – 2032 (adopted October 2018)* (ELP) designates Cliburn as one of the **'Smaller Villages and Hamlets'**. In such locations development is restricted to: infill sites, which fill a modest gap between existing buildings; **'rounding off'**; and the reuse of traditional buildings. It is not disputed by the parties that the site is an infill site and I agree with this conclusion.

4. In addition, Policy HS2 of the ELP indicates that in such locations new dwellings should not have a gross internal floorspace of more than 150 sqm and that on greenfield sites a condition or legal agreement will be applied to restrict occupancy to those meeting a local connection.
5. On sites with 11 or more houses, ELP Policy HS1 seeks to ensure that 30% of new houses are provided as affordable housing. More detailed guidance on the application of this policy is provided in the *Housing Supplementary Planning Document (adopted April 2020)* (SPD). This indicates that it is not acceptable to sub-divide sites and submit applications in a piecemeal fashion to avoid making affordable housing contributions. In considering whether this is the case, it states that matters such as landownership, connectivity between the sites (including services and access), the fragmentation of units and land and the age of previous permissions will be taken into account.
6. The Council have suggested that the entire site, which with the proposed development would provide a total of 13 houses has been developed in a piecemeal way to circumnavigate the need to provide affordable housing.
7. The appeal site together with the adjacent land on which the other houses on Fallowfield have been built has a planning history dating back to 1989 which is set out fully **in the appellant's appeal statement**. This shows that the entire site first gained outline planning permission in 1990¹. Attached to this permission was a condition requiring no more than 4 houses to be completed / offered for sale in any one year.
8. The appellant has stated that due to the practice of the local authority at the time, rather than reserved matters applications being made for the entire site a series of full applications were made for various plots between 1998 and 2000, which led to the construction of the 9 properties on the wider site. These comprise a terrace of 3 dwellings, a pair of semi-detached houses, 2 detached houses and 2 detached bungalows.
9. On the appeal site itself outline permission for 4 houses, two of which were to be affordable housing, was granted in 2008. The appellant has stated that the provision of affordable housing was in accordance with both the *Joint Structure Plan for Cumbria and the Lake District (adopted April 2006)* which allowed a negotiated affordable housing split on suitable sites and the emerging Eden Core Strategy policy that required 50% affordable housing. An extension of time for this permission was granted in 2012, and reserved matters were approved in 2017. The appellant started the construction in 2021 but stopped when it was discovered that the planning permission had expired.
10. The application which is the subject of this appeal was submitted in response to this. In accordance with Policy HS2 of the ELP the gross internal floor areas of the proposed houses have been limited to 150 sqm and the appellant accepts a local occupancy condition would be applied.
11. It is not disputed that the appeal site is in the same ownership as the wider site and that the proposed development would utilise the same access road and other services. However, I have not been provided with any evidence to indicate that prior to 2006 there was any policy that required the provision of affordable housing. On this basis, the other 9 houses on the wider site were

¹ Application reference 89/1151

developed before there was any policy requirement to provide affordable housing. As such, the site cannot have been sub-divided in an attempt to avoid making provision for affordable housing because those requirements were not there when the rest of the site was developed.

12. Furthermore, this conclusion is supported by the fact that the appellant sought to start the construction of the previously approved scheme which included the provision of affordable housing in 2021, before it was realised that the permission had in fact expired. Whilst the current scheme no longer proposes any affordable housing this reflects the fact that, notwithstanding the need for affordable housing in the area, it is not a policy requirement for schemes of only 4 houses. However, the scheme would comply with the appropriate requirements set out above in Policy HS2 for residential development in '**Smaller Villages and Hamlets**'.
13. All in all, I am satisfied that the proposal does not represent piecemeal development and therefore as a development of 4 houses does not need to make provision of affordable housing. As a result, there is no conflict with Policy HS1 of the ELP outlined above.

Housing Mix

14. The appeal scheme consists of 2 bungalows and 2 houses all of which would have 4 bedrooms. No evidence has been provided to explain why this mix of dwelling types has been provided, nor why they are all 4 bedroomed properties. This is contrary to the requirements of ELP Policy HS4 which requires residential developments to address local need through reference to various criteria. No substantive evidence has been provided to demonstrate that the housing mix requirement should not be met on the site.
15. **The Council's evidence shows that demand on the Choice Based Letting System** in the area is for 1, 2, and 3 bedroomed properties. Given that to comply with Policy HS2, the appeal scheme would be subject to a local occupancy condition, in the absence of evidence to the contrary, I am not satisfied that the proposal would provide the types and sizes of houses needed to meet local need.
16. The appellant has suggested that Policy HS4 only applies to major residential developments. However, unlike other policies such as HS1 and HS5, which clearly state that they only apply to developments of more than 10 dwellings, Policy HS4 has no such caveat and therefore applies to all residential development irrespective of size.
17. Therefore, in the absence of any evidence to show how the proposed development would meet local need, I consider that it would not provide an adequate mix of housing and would be contrary to Policy HS4 outlined above.

Biodiversity

18. The site is currently grassland. Whilst the appellant suggested that it is likely to have limited ecological value no formal assessment has been carried out to confirm this is the case. Nor to establish a baseline to ensure the development avoids any net loss of biodiversity and preferably provides a net gain in accordance with Policy ENV1 of the ELP.
19. Whilst a condition could be used to ensure the provision of some details, the provision of an ecological assessment to establish the baseline position is

necessary at this stage to ensure the design and layout of the development is appropriate and would avoid adverse effects on biodiversity.

20. Consequently, I am not satisfied that the proposed development would not have an unacceptable effect on biodiversity. Thus, it would conflict with ELP Policy ENV1 set out above.

Amenity Land

21. Policy COM3 of the ELP requires that residential schemes of more than 10 dwellings (major residential development) should make provision on site for open space. In addition, in areas where there is a demonstrable under provision of existing open space, contributions may be sought from smaller residential schemes towards the provision of additional and accessible open space or for the upgrading of existing facilities. Given my conclusion that the proposal is not piecemeal development, it is not major residential development. Moreover, the Council have not provided any evidence to show there is a demonstrable under provision of open space in the area.
22. In the light of this, I consider that it is not necessary for the proposal to either provide on site provision of open space or a contribution to off-site improvements. Therefore, there is no conflict with Policy COM3 outlined above.

Sustainable Design Features

23. Similarly, Policy ENV5 of the ELP requires major residential development to demonstrate how the proposed scheme has considered various environmentally sustainable design features. However, as the proposal is not major residential development, the appeal scheme does not need to comply with the requirements of this policy.

Drainage

24. It is proposed that surface water drainage would be discharged by soakaways and the appellant provided percolation test results to show these would perform adequately to the Council several months before the decision on the application was made. The Council has not disputed the findings of these tests or provided any evidence to the contrary. Moreover, I understand that the wider development also makes use of soakaways.
25. Given this, and the fact that further details could be provided by a condition, I consider that the proposed development would be provided with adequate drainage and would accord with the requirements for water management set out in Policy DEV2 of the ELP.

Other Matters

26. In coming to my decision, I have had regard to concerns raised by third parties, most of which are addressed in the main issues. Other matters included parking and the need for a ground condition assessment. Given my overall findings in respect of the main issues it has not been necessary for me to consider these matters in detail. However, the Council have not raised any objection with regard to the level of parking nor have they identified a need for a ground condition survey. None of the evidence before me leads me to a different conclusion, and if needed a ground condition survey could have been required by condition.

Planning Balance and Conclusion

27. I have found that the proposal would not be piecemeal development of the wider site and so the development does not need to provide the various policy requirements for major residential schemes set out in Policies HS1, COM3 and ENV5 of the ELP. I also consider that the proposal would be provided with adequate drainage. However, an absence of harm in all these matters is a neutral factor. Consequently, they would not outweigh the harm I consider the scheme would cause in respect of the housing mix and its impact on biodiversity.
28. Therefore, for the reasons set out above I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR

Appeal Decision

Site visit made on 15 March 2022

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2022

Appeal Ref: APP/H0928/D/21/3279753

42 Wordsworth Street, Penrith, Cumbria, CA11 7QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bruce Johnson against the decision of Eden District Council.
 - The application Ref 21/0086, dated 20 January 2021, was refused by notice dated 4 June 2021.
 - The development proposed is a replacement single storey extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposed extension on the living conditions of the occupiers of No 41 Wordsworth Street with particular regard to outlook and light.

Reasons

3. The appeal property is a mid-terrace property. It, like other houses in the row, has a narrow single storey outrigger at the rear. It is proposed to replace this with a flat roof single storey extension that would extend much of the width of the house.
4. On the ground floor the adjacent property, No 41, has a window on the main rear elevation and 2 windows and a door on the side of the outrigger facing the boundary with the host property. The windows on the outrigger appeared to serve non-habitable rooms. At present, the common boundary closest to the houses has a 1.8m high fence between them. No 41 has an area of decking between this and the outrigger, which I observed at my site visit to be the only seating area in the garden.
5. The proposed extension would be set in slightly from the common boundary. Although the flat roofed design of the extension means that its height is limited, it would still be significantly higher than the existing boundary fence. It would be clearly visible from the decking and window on the rear elevation of the house.
6. The tight relationship between the houses and their projecting outriggers, means that light to, and the outlook from, the rear window on No 41 is already restricted. The appellant has produced diagrams which he states show that the proposed extension would not cause significantly greater levels of overshadowing than the existing outrigger and fence. Be that as it may, the

height and depth of the extension is such that even if it would not significantly reduce direct sunlight to the rear room, it would still adversely impact the amount of light it receives.

7. Moreover, in combination with the outrigger on No 41, the extension would **create a 'tunnelling'** effect for both this window and the area of decking. As such, the proposal would exacerbate the already limited outlook from the rear window and create an unneighbourly sense of enclosure to the rear of the house and the area of decking.
8. Consequently, I consider that the proposed extension would unacceptably harm the living conditions of the occupiers of No 41 Wordsworth Street with particular regard to outlook and light. Therefore, it would be contrary to Policy DEV5 of the Eden Local Plan (adopted October 2018) which requires developments to protect the amenity of existing residents.
9. I note that the extension would provide the host property with a larger kitchen, which the appellant considers would be more appropriate for a dwelling of this size. Nevertheless, I consider that this benefit to the appellant would not outweigh the harm that the proposal would cause.

Other Matters

10. The appeal property is located within Penrith New Streets Conservation Area. The Council have not indicated that the proposal would have any adverse impact on the character and appearance of the host property or the surrounding area. I have no reason to disagree. Consequently, I am satisfied that the proposal would preserve the character and appearance of the conservation area.

Conclusion

11. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR



Appeal Decisions

Site visit made on 14 March 2022

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2022

Appeal A

Appeal Ref: APP/H0928/W/21/3285289

Land southeast of Sawmill Cottage, Penruddock CA11 ORD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs T Cockburn against the decision of Eden District Council.
 - The application Ref 21/0159, dated 22 February 2021, was refused by notice dated 26 April 2021.
 - The development proposed is erection of a dwelling including associated operations.
-

Appeal B

Appeal Ref: APP/Q9495/W/21/3285290

Land southeast of Sawmill Cottage, Penruddock CA11 ORD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs T Cockburn against the decision of Lake District National Park Authority.
 - The application Ref 7/2021/3032, dated 22 February 2021, was refused by notice dated 29 April 2021.
 - The development proposed is erection of a dwelling including associated operations.
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. The appeal site is mainly situated within Eden District Local Planning Authority area; however, a small part of the site which includes the southern visibility splay is within the Lake District National Park Authority (LDNPA) area. Appeal A relates to the application submitted to Eden District Council for consideration, whilst Appeal B relates to the application considered by the LDNPA.

Main Issues

4. The main issue in the case of Appeal A is the effect of the proposal on the character and appearance of the area.
5. The main issue in the case of Appeal B is the effect of the proposal on the character and appearance of the Lake District National Park and UNESCO World Heritage Site.

Reasons

Appeal A

6. The appeal site consists of a railway embankment which is part of the former Penrith to Keswick railway, situated on the east side of the U3144 Penruddock to Motherby Road.
7. Policy LS1 '**Locational Strategy**' of the Eden Local Plan (2014-2032) (Local Plan) states that development should be focused in the most sustainable locations, including the main town of Penrith, market towns and key hubs. Development of an appropriate scale would be permitted in the smaller villages and hamlets (part 4). **Outside of these settlements in 'other rural areas'**, development will be restricted to the re-use of traditional buildings, the provision of affordable housing as an exception to policy only or where proposals accord with other policies in the Plan. Some market housing may be acceptable in accordance with the criteria in Policy HS1. To qualify as rural exceptions housing, a site must be in a location considered suitable for the development of affordable housing.
8. The part of the appeal site within Eden District is not identified as a named settlement under Policy LS1 and would, therefore, normally be considered as within '**other rural areas**' under the terms of the policy. However, the Council consider that had the whole of Penruddock been within Eden District, the village would be considered as a '**Smaller Village and Hamlet**' as defined under Policy LS1. Within smaller villages and hamlets development is limited to infill sites or '**rounding off**' of a settlement. Policy HS2 of the Local Plan further restricts development within smaller villages and hamlets to housing with a gross internal floorspace of 150m². The Council has determined the application on this basis. However, the site is not situated within a settlement identified as a smaller village or hamlet and so there is no policy basis for this approach. The appeal site must, therefore, be considered **as an 'other rural area' within Policy LS1**. The proposal does not involve the re-use of a traditional building or affordable housing. Consequently, the proposal would be contrary to Policy LS1.
9. The proposal is located close to the village of Penruddock which is designated as a 'village' in **Policy 02 'Spatial Strategy'** of the Lake District National Park Core Strategy (CS). The village comprises around 85 dwellings and has some services including a school, pub and village hall. Development in villages is required to relate well to the form of the settlement and protect, maintain or enhance local distinctiveness.
10. Penruddock is a linear village focussed on the main road through the village with another spur along the U3144 Penruddock to Motherby road. Groups of dwellings are separated by green space and agricultural fields. The village is situated within a rural setting surrounded by open countryside with agricultural fields, hedgerows, stone walls and trees.
11. The appeal site is under 0.1ha which includes the former railway embankment with two strips of land on either side of the access to allow for visibility splays. As acknowledged at paragraph 2.2 of the introduction to the Heritage, Design and Access and Planning Statements the site has primarily been left to nature. It was clear on my site visit that the embankment had grassed over with evidence of trees and small shrubs having been removed.
12. The site is bound to the north, south and east by open countryside, and to the west by the U3144 Penruddock to Motherby highway. Most of the development

associated with the village lies on the west side of this road whilst the eastern side is characterised mainly by open agricultural land. The nearest development on the eastern side of the road to the north is Penruddock Hall which is some 100m away and is set well back from the road. To the south, All Saints Church is the nearest development on the eastern side of the road, apart from some greenhouses.

13. The appeal dwelling would be built into the railway embankment with covered parking and a garage/workshop situated behind the dwelling. The front elevation facing the road would have a projecting double height glazed feature with aluminium frames with some stone elements at the side. The front section of the proposal would have a flat roof with the remainder being covered with mesh, soil, stone and planting. External materials would include local sandstone walls, limited timber cladding a large-glazed section and aluminium windows and doors. Window openings would be restricted to the south and west facing elevations.
14. The southern edge of the driveway would be flanked by a stone wall which would be backfilled with soil and vegetation which would partially conceal the driveway and the lower sections of the proposed windows. Whilst the proposal to build the dwelling into the embankment is an interesting design concept, the appeal site is, nevertheless, detached from the existing built form of the village and the proposed dwelling would appear as an incongruous addition.
15. As the contextual elevations show, the glazed front section and upper sections of the proposed windows would be visible in views from the west and south. The glazed front elevation would also be highly visible to pedestrians and road users. The extent of glazing together with levelling of the embankment to create a garden to the front would result in an urbanising effect detracting from the distinctly rural character of the eastern side of the road. Whilst the extent of glazing could be reduced there is no assessment before me with regards to the effect of this on the light available to the proposed dwelling. Furthermore, this would not overcome my concern regarding the location of the proposal.
16. The remaining embankments are a prominent feature and an integral element of the landscape and history of the area. The removal of land to the front of the embankment and development along one side of it would undermine the historical integrity of this landscape feature. Whilst hard and soft landscaping could be secured by condition, this would do little to overcome the loss of part of this feature and the urbanising effect of the proposal. Overall, I consider that the proposal would not relate well to the settlement of Penruddock and would be at odds with the rural character and appearance of the eastern side of the road.
17. I acknowledge the proximity of the appeal site to Penruddock; however, even were I to consider the proposal against part 4 of Policy LS1 of the Local Plan, or Policy 02 of the CS, due to the detached nature of the appeal site from the village and the open nature of the east side of the road, the proposal cannot be considered as infill development or rounding of the village. Nor would the proposal reflect the built form of the settlement. The second reason for refusal relates to the size of the dwelling which, based on **the Council's calculations**, would exceed the size threshold set out in Policy HS2. However, as I do not consider that Policy HS2 applies in this case this has not been a determinative factor in my decision.

18. The appellant contends that Penruddock would be considered as a 'Key Hub'; under Policy LS1; however, the settlement clearly does not have the range of services and facilities that would be expected of a key hub.
19. Attention is drawn to an outline planning permission (18/0689) for two dwellings on the opposite of the U3144 opposite the appeal site. However, this case is situated on a small field between the railway embankment and Sawmill Cottage and, therefore, relates well to the built development on the western side of the road. Consequently, this case is not directly comparable to the appeal proposal which limits the weight which I can attach to it in my Decision.
20. For the reasons stated, the proposal would harm the character and appearance of the area and would, therefore, be contrary to Policy LS1 of the Local Plan. Furthermore, the proposal would be contrary to Dev5 of the Local Plan which seeks to ensure, amongst other things, that development shows a clear **understanding of the district's built and** natural environment, complementing and enhancing the existing area.

Appeal B

21. The southern visibility splay which would serve the development is situated within the LDNP. The two purposes of the National Parks, as revised in the Environment Act 1995 (the Act), are to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks and to promote opportunities for the understanding and enjoyment of the special qualities of the Parks by the public.
22. The Penruddock to Motherby Road is a narrow lane edged by grass verges, stone walls and hedgerows in places. To the eastern side of the road are open fields defined by stone walls, hedgerows and intermittent trees. These features contribute to the distinctive, rural character of the LDNP.
23. The works to create the southern visibility splay would involve reducing the roadside wall in height, reducing the ground level within the field and the roadside hedge would be moved back around 2m. The works would disrupt the characteristic pattern of the roadside verge and detract from the rural character of the road. Furthermore, the glazing of the southern elevation of the proposal would be visible from within the LDNP. Overall, the proposal would detract from the landscape character of the LDNP. Consequently, the proposal would conflict with the first purpose of the LDNP.
24. Moreover, by virtue of the disruption to the characteristic pattern of the roadside verge, the proposal would harm the distinctive cultural landscape of the UNESCO World Heritage Site. Paragraph 202 of the National Planning Policy Framework (the Framework) requires less than substantial harm to the significance of a designated heritage asset to be weighed against the public benefits of a proposal. Whilst the harm would be less than substantial, the limited public benefits of the proposal in terms of the very small contribution to housing land supply would not outweigh the harm which I have identified.
25. For the reasons stated, the proposal would conflict with Policies CS01, CS02, CS10, CS11 and CS25 of the CS (2010) which collectively, amongst other things, seek to ensure that development relates well to the form of settlements, reinforce local character and distinctiveness, protect the landscape and conserve and enhance the special qualities of the LDNP.

26. Furthermore, the proposal also conflicts with paragraph 176 of the Framework which requires great weight to be given to conserving and enhancing landscape, scenic beauty and cultural heritage in National Parks.

Other matters

27. Paragraph 12 of the Framework states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. I have concluded that the proposal would conflict with the development plan. Furthermore, there is no evidence before me to suggest that the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, paragraph 11d of the Framework is not engaged. Moreover, there are no material considerations which indicate a decision other than in accordance with the development plan.

Conclusion

28. For the reasons stated, Appeal A and Appeal B are dismissed.

Caroline Mulloy

Inspector

PLANNING COMMITTEE

Agenda Item No.

APPLICATIONS DETERMINED UNDER OFFICER DELEGATED POWERS FOR THE MONTH OF MARCH 2022

| App No | App Type | Parish | Description | Location | Applicant | Decision |
|---------|---------------------|---------------|---|--|--|----------|
| 21/0238 | Reserved Matters | Crackenthorpe | Reserved Matters application for access, appearance, landscaping, layout and scale, attached to approval 20/0314. | SHARED PLOT LAND BEHIND WAYSIDE, CRACKENTHORPE, APPLEBY-IN-WESTMORLAND, CA16 6AF | Mr D Hall | APPROVED |
| 21/0577 | Outline Application | Lazonby | Outline planning application for up to seven new affordable dwellings, with approval sought for access. | FORMER EGG PACKING STATION, LAZONBY, PENRITH, CA10 1BE | Clerk to Lazonby Parish Council - Ms R | APPROVED |
| 21/0730 | Outline Application | Murton | Outline application for an agricultural workers dwelling, with all matters reserved. | LAND EAST OF BRACKENBER, BRACKENBER, APPLEBY-IN-WESTMORLAND, CA16 6LP | Mr G Slack | APPROVED |
| 21/0817 | Full Application | Penrith | Creation off street car parking space. | 61 BRENTFIELD WAY, PENRITH, CA11 8DP | Mr and Mrs WK | APPROVED |
| 21/0819 | Full Application | Brough | Removal of condition 7 (local occupancy), attached to approval 06/0164. | APARTMENT A, BECKSIDE BRIDGE STREET, BROUGH, KIRKBY STEPHEN, CA17 4BP | Mr S Wilkinson | REFUSED |
| 21/0823 | Full Application | Hesket | Erection of an agricultural workers dwelling including associated operations. | LAND TO THE NORTHWEST OF CALTHWAITE, SCEUGHDYKES, CALTHWAITE, PENRITH, CA11 9QX | Messers Dickinson | APPROVED |
| 21/0895 | Full Application | Morland | Replacement of porch and general refurbishment of property. | CROSSFELL, MORLAND, PENRITH, CA10 3AZ | Mrs V Urwin | APPROVED |
| 21/0900 | Non-Material Amend | Hesket | Non Material Amendment to reduce the size of the gardens of plots 7 and 8 and to amend the brick type from 'Cottage Blend' to 'Birkdale Blend' and 'Safier', attached to approval 20/0548. | LAND WEST OF GILLIANS WELL, CALTHWAITE, PENRITH, CA11 9QH | Mr John Blue | APPROVED |
| 21/0906 | Reserved by Cond | Cliburn | Discharge of conditions 4 (archaeology), 5 (construction phase traffic management plan), 6 (surface water discharge), 7 (highways drainage), 8 (boundary wall to front), 9 (plot 1 section), 10 (sample materials), 11 (surface water drainage scheme), attached to approval 20/0944. | LAND BETWEEN MELROSE COTTAGE AND GRETA COTTAGE, LAND BETWEEN GAYTHORN AND WEST VIEW, CLIBURN, PENRITH, | F Scott Builders | APPROVED |
| 21/0908 | Full Application | Hunsonby | First floor extension above existing orangery | WILLOW HOUSE, LITTLE SALKELD, PENRITH, CA10 1NN | Mr and Mrs Hodgson | APPROVED |
| 21/0927 | Reserved Matters | Clifton | Reserved Matters application for appearance, landscaping, layout and scale, attached to approval 18/0894. | FORMER GARAGES, CROOKLANDS VIEW, CLIFTON, PENRITH, CA10 2EQ | Mr D Brown | APPROVED |

| App No | App Type | Parish | Description | Location | Applicant | Decision |
|---------|------------------|------------------|---|--|------------------------------------|----------|
| 21/0941 | Full Application | Dacre | Erection of workshop/warehouse building.(Use Classes E(g), B2 and B8), capable of being divided to three separate units. | WORKSHOP/WAREHOUSE, BLENCOWE QUARRY, QUARRY LANE, NEWBIGGIN, PENRITH, CA11 0DE | Charles Chamberlain | APPROVED |
| 21/0965 | Full Application | Appleby | Proposed pitched roof car port extension and addition of pitched roof to existing side conservatory extension. | LIME GROVE, SCATTERGATE, APPLEBY-IN-WESTMORLAND, CA16 6RQ | Mr & Mrs M Cass | APPROVED |
| 21/0967 | Full Application | Great Strickland | Use of land within the existing park for the siting of 6 additional static units. Re-submission of 21/0594. | OAKLANDS COUNTRY PARK, GREAT STRICKLAND, PENRITH, CA10 3DH | Mr N Thompson | APPROVED |
| 21/0990 | Full Application | Penrith | Change of use of former public house, managers accommodation and offices to form 6 No. one bed self-contained flats and 1 No. two bed flat. | WHITE HORSE, GREAT DOCKRAY, PENRITH, CA11 7BL | Mr G Keefe | APPROVED |
| 21/0991 | Listed Building | Penrith | Listed Building Consent for change of use of former public house, managers accommodation and offices to form 6 No. one bed self-contained flats and 1 No. two bed flat | WHITE HORSE, GREAT DOCKRAY, PENRITH, CA11 7BL | Mr G Keefe | APPROVED |
| 21/1007 | Full Application | Bolton | Roof over existing manure store. | LAITHA, BOLTON, APPLEBY-IN-WESTMORLAND, CA16 6AY | Messrs Ashley - Mr R Ashley | APPROVED |
| 21/1008 | Reserved Matters | Tebay | Reserved Matters for access, appearance, landscaping, layout and scale, attached to outline approval 20/0810 (an amendment to the original outline permission reference 16/0185). | LAND NORTH OF THE LAURELS, TEBAY, PENRITH, | Mr G Jackson | APPROVED |
| 21/1012 | Reserved by Cond | Tebay | Discharge of condition 4 (surface water drainage), 5 (sample materials), attached to approval 21/0249. | THE OLD SCHOOL YARD, TEBAY, PENRITH, CA10 3TP | Mr & Mrs Cooper | APPROVED |
| 21/1020 | Reserved Matters | Ainstable | Reserved Matters for access, appearance, landscaping, layout and scale, attached to approval 20/0373. | LAND WEST OF BRIDGE END COTTAGE, CROGLIN, CARLISLE, CA4 9RY | Mr & Mrs C Little | APPROVED |
| 21/1028 | Advertisement | Penrith | Advertisement consent for 2no non-illuminated fascia signs. | 1 HOBSON COURT, GILLAN WAY, PENRITH, CA11 9GQ | Lakeland Vision Ltd - Mr Ainsworth | APPROVED |
| 21/1035 | Full Application | Shap | Proposed single storey extension. | 4 PARKERS CROFT, SHAP, PENRITH, CA10 3NP | Mr & Mrs Benson | APPROVED |
| 21/1043 | Full Application | Bandleyside | Siting of 3 No. pods for holiday use with associated parking, drainage and landscaping. | MEADOW VIEW, HEIGHTS, APPLEBY-IN-WESTMORLAND, CA16 6EP | Mr R Braithwaite | APPROVED |

| App No | App Type | Parish | Description | Location | Applicant | Decision |
|---------|-------------------|----------------|---|--|---|----------|
| 21/1046 | Full Application | Greystoke | Variation of condition 2 (plans compliance) for the addition of open front porch, alteration of first floor window on North East elevation and replacement of parking court with double garage, attached to approval 21/0425. | LAND ADJACENT TO WATSONS FARM, GREYSTOKE GILL, GREYSTOKE, PENRITH, CA11 0UQ | Mr A Taylor & Miss D Sealby | APPROVED |
| 21/1059 | Full Application | Temple Sowerby | Repositioning of existing vent pipe to enable the insertion of additional window. | MAPLE LEA, TEMPLE SOWERBY, PENRITH, CA10 1RS | Mrs L Marsden | APPROVED |
| 21/1066 | Notice of | Warcop | Permitted Development Prior Notification for a general purpose agricultural building. | MIDDLE BANK END FARM, COUPLAND BECK, APPLEBY-IN-WESTMORLAND, CA16 6LN | Messrs N J & C Barker | APPROVED |
| 21/1068 | Full Application | Hesket | Conversion of existing store to provide holiday let accommodation. | THE BARN, BIRKTHWAITE MEWS, WREAY, CARLISLE, CA4 0RZ | Mr & Mrs Little | APPROVED |
| 21/1072 | Full Application | Orton | Construction of sausage production room. | Westmorland Ltd, WESTMORLAND MOTORWAY SERVICES TEBAY EAST, SOUTH BOUND, TEBAY, PENRITH, CA10 3SB | Westmorland Ltd - Mr J France | APPROVED |
| 21/1074 | Tree Works (TPO) | Lazonby | Felling of Ash (T3) and crown lifting of Scots Pine (T4) with removal of all secondary branches to approximately 8m above highest ground level to provide clear stem; trees protected by condition of planning permission ref. 85/0631 | OVERBECK, SCAUR LANE, LAZONBY, PENRITH, CA10 1AH | Mr M Forrest | APPROVED |
| 21/1076 | Reserved Matters | Penrith | Reserved Matters application for access, appearance, landscaping, layout and scale, attached to approval 19/0499. | PLOT 8 KITCHEN GARDENS, PENRITH, CA11 9GS | Atkinson Homes Ltd - Mr R Cowperthwaite | APPROVED |
| 21/1077 | Full Application | Stainmore | Proposed general purpose agricultural building for implement and feed storage. | LEONARDS CRAGG, NORTH STAINMORE, KIRKBY STEPHEN, CA17 4DQ | Mr & Mrs A Billington | APPROVED |
| 21/1085 | Householder PD/PN | Penrith | Single storey rear extension. | 28 WILLOW CLOSE, PENRITH, CA11 8TH | Mr M Fidrmuc | APPROVED |
| 21/1088 | Full Application | Langwathby | Proposed two storey alterations to an existing single storey lean to outbuilding. | 1 BANK EDGE, LANGWATHBY, PENRITH, CA10 1LY | Miss S Richter | APPROVED |
| 21/1094 | Reserved by Cond | Penrith | Discharge of conditions 3 (hard and soft landscaping), 4 (arboricultural method statement), 5 (materials), 7 (carriageways footways and cycleways), 8 (drainage) and 9 (hydrological and hydrogeological risk assessment), attached to appeal approval APP/H0928/W/20/3260394, LPA ref 19/0908. | LAND AT WHITE OX FARM, INGLEWOOD ROAD, PENRITH, CA11 8SE | Atkinson Building Contractors Ltd - Miss A Turner | APPROVED |

| App No | App Type | Parish | Description | Location | Applicant | Decision |
|---------|------------------|----------------|--|---|----------------------------------|----------|
| 21/1097 | Full Application | Soulby | Proposed replacement steel portal framed agricultural building for feed and implement storage. | ROCKERY FARM, SOULBY, KIRKBY STEPHEN, CA17 4PJ | Mrs L Sanderson | APPROVED |
| 21/1103 | Listed Building | Warcop | Listed Building Consent for restoration and repairs to iron gate, iron railings and section of garden wall on west side of property. | OLD COTTAGE, WARCOP, APPLEBY-IN-WESTMORLAND, CA16 6NX | Mr C Thornton | APPROVED |
| 21/1114 | Full Application | Penrith | Single storey extension to rear following demolition of existing single storey outrigger. | 29 ALBERT STREET, PENRITH, CA11 7XA | Mr & Mrs G Finch | APPROVED |
| 21/1115 | Listed Building | Penrith | Listed Building Consent for a single storey extension to rear following demolition of existing single storey outrigger. | 29 ALBERT STREET, PENRITH, CA11 7XA | Mr & Mrs G Finch | APPROVED |
| 21/1117 | Full Application | Hesket | A general purpose shed to be erected with green cladding. | BRY VIEW, CALTHWAITE, PENRITH, CA11 9RN | Ms J Davidson | APPROVED |
| 22/0005 | Full Application | Tebay | Erection of two storey side extension to dwelling. | 4 HIGHFIELD, TEBAY, PENRITH, CA10 3TJ | Mr & Mrs M Foster | APPROVED |
| 22/0007 | Full Application | Stainmore | Erection of seasonal lambing shed. | LITTLETHWAITE BARN, NORTH STAINMORE, KIRKBY STEPHEN, CA17 4EX | Ms J Beasley | APPROVED |
| 22/0009 | Full Application | Brougham | Change of use from a cafe to an office building. | A66 Hub, LORDS HOUSE, BROUGHAM, PENRITH, CA10 2AB | National Highways - Mr J Johnson | APPROVED |
| 22/0010 | Advertisement | Brougham | Advertisement consent for 2no non-illuminated fascia signs. | A66 Hub, LORDS HOUSE, BROUGHAM, PENRITH, CA10 2AB | Mr J Johnson | APPROVED |
| 22/0014 | Listed Building | Appleby | Listed Building Consent to remove external masonry paint to east elevation, repair render with lime mortar and apply limewash. Remove all existing pebbledashed render from north elevation and chimney, replace with lime harling and finish with limewash. Alteration to shopfront, repair earlier timber entablature, fix new shop sign within framing of entablature, remove existing floodlights from east elevation and replace with new lighting above shop sign. | PIZZA ROMA, 1 BRIDGE END, THE SANDS, APPLEBY-IN-WESTMORLAND, CA16 6XN | Pizza Roma - Mrs B Simpson | APPROVED |
| 22/0019 | Listed Building | Kirkby Stephen | Listed Building Consent for alterations to enable Change of use to a mixed use of Class E and Sui Generis, drinking establishment. | 28 MARKET STREET, KIRKBY STEPHEN, CA17 4QW | Mrs B Howarth | APPROVED |
| 22/0020 | Full Application | Hunsonby | Proposed residential development (following expired consent 17/1070). | ROAD HEAD FARM, WINSKILL, PENRITH, CA10 1PB | Messrs Awde | APPROVED |

| App No | App Type | Parish | Description | Location | Applicant | Decision |
|---------|------------------|-------------|---|--|--|----------|
| 22/0023 | Full Application | Glassonby | Installation of domestic solar panel system to provide power to the farm buildings. | SANDWATH FARM, GLASSONBY, PENRITH, CA10 1DX | Mr S Worlock | APPROVED |
| 22/0024 | Full Application | Newby | Removal of condition 8 (permitted development rights), attached to approval 18/0836. | BARN SOUTH EAST OF NEWBY, NEWBY, PENRITH, | Messrs Dixon & Wild | REFUSED |
| 22/0027 | Full Application | Long Marton | Increase number of caravans from 25 to 30 in total, for the duration of Appleby Horse Fair. Previous approval 11/0611. | CROFT ENDS FARM, APPLEBY, CA16 6JW | Mr & Mrs Bellas | APPROVED |
| 22/0029 | Notice of | Hesket | Permitted Development Prior Notification to roof over existing silage clamp. | AIKBANK, CALTHWAITE, PENRITH, CA11 9QZ | Brackenburgh | APPROVED |
| 22/0031 | Full Application | Newby | Change of use from agricultural land to residential garden. | 1 TOWNHEAD COTTAGES, NEWBY, CA10 3EX | Ms C Fanshawe | REFUSED |
| 22/0032 | Full Application | Penrith | Erection of single storey rear extension. | 15 WALKER RISE, PENRITH, CA11 9JX | Mr M Bacik | APPROVED |
| 22/0038 | Listed Building | Penrith | Listed Building Consent for replacement of single glazed timber windows with double glazed timber windows. | 3 WORDSWORTH TERRACE, DROVERS LANE, PENRITH, CA11 7QT | Mrs Lara Cowley | APPROVED |
| 22/0040 | Tree Works (CA) | Appleby | G2 Acer Pseudoplatanus (Sycamore): Removal of this tree and replacement with native Rowan. T9 Acer Platanoides (Norway Maple): Crown reduction/thinning of one third including the lowest branch. T3 Malus (Bramley apple): Request removal of Wych Elm, reduce height by about 50% and professional pruning to remove crossing branches and encourage healthy new growth. T8 Malus (Apple): Professionally pruned, and if possible, cuttings grafted to suitable rootstock to be later planted in the garden. | CONDENSERGAPP, BONGATE, APPLEBY-IN-WESTMORLAND, CA16 6HW | Mr Peter Wilkinson | APPROVED |
| 22/0043 | Full Application | Penrith | Conversion of redundant agricultural barns to a dwelling. | MAIDENHILL FARM, MAIDENHILL, PENRITH, CA11 8SQ | Equorium Property Company Ltd - Mr T Day | APPROVED |
| 22/0044 | Listed Building | Penrith | Listed Building Consent to enable conversion of redundant agricultural barns to a dwelling. | MAIDENHILL FARM, MAIDENHILL, PENRITH, CA11 8SQ | Equorium Property Company Ltd - Mr T Day | APPROVED |
| 22/0045 | Full Application | Appleby | Proposed covered open-sided yard building. | BARROWMOOR FARM, COLBY, APPLEBY-IN-WESTMORLAND, CA16 6BD | Mr W P Williamson | APPROVED |

| App No | App Type | Parish | Description | Location | Applicant | Decision |
|---------|-----------------------|----------------|---|--|---|----------|
| 22/0047 | Notice of | Warcop | Proposed replacement agricultural building. | HIGH PLOUGHLANDS, PLOUGHLANDS LANE, LITTLE MUSGRAVE, KIRKBY STEPHEN, CA17 4PQ | Mr E Hewetson | APPROVED |
| 22/0048 | Full Application | Dacre | Proposed replacement garage. | 16 KELD HEAD, STAINTON, PENRITH, CA11 0EH | Mr & Mrs Dredge | APPROVED |
| 22/0052 | Tree Works (CA) | Great Salkeld | Fell or undertake 20% crown reduction of Whitebeam. | WILLOW GARTH, GREAT SALKELD, PENRITH, CA11 9LW | Mr Peter Carrington | APPROVED |
| 22/0054 | Tree Works (CA) | Alston | T1. Sycamore - small crown reduction 20% and few branches, crown lift. T2. Sycamore - small crown reduction 20% and few branches, crown lift. | ALBERT COTTAGE, TOWNHEAD, ALSTON, CA9 3SL | Mr Paul Lambeth | APPROVED |
| 22/0059 | Full Application | Warcop | Addition of rear sun room and front bedroom en- suite extension. | THE PEACH HOUSE, EDEN GATE, WARCOP, APPLEBY-IN- WESTMORLAND, CA16 6PL | Mr & Mrs S Fenton | APPROVED |
| 22/0060 | Full Application | Waitby | Proposed animal housing, general purpose agricultural building. | STRIPES FARM, WAITBY, KIRKBY STEPHEN, CA17 4HQ | Messers I & P Clarke | APPROVED |
| 22/0061 | Tree Works (CA) | Great Salkeld | Holly Tree to fell | OLD RECTORY, GREAT SALKELD, PENRITH, CA11 9NA | Ms E S Cranston | APPROVED |
| 22/0062 | Non-Material Amend | Bandleside | Non Material Amendment for addition of smaller window and a break in the roof pitch to accessible suit 8, attached to approval 19/0187. | ORMSIDE EDUCATION CENTRE, GREAT ORMSIDE, APPLEBY-IN- WESTMORLAND, CA16 6EH | Knowsley Enterprise Academy - Mr T Farrell | APPROVED |
| 22/0064 | Full Application | Catterlen | Erection of single storey extension | SEWBORWENS FARM, NEWTON ROAD, NEWTON RIGG, CA11 0AG | Ms Robyn Savry | APPROVED |
| 22/0065 | Full Application | Lowther | Formation of an access from the A6 and the construction of an access track to serve barn conversions approved under planning approval 21/0404. | TOWN END FARM, HACKTHORPE, PENRITH, CA10 2HX | Lowther Estates Limited | APPROVED |
| 22/0068 | Reserved by Cond | Castle Sowerby | Discharge of condition 3 (tree planting), attached to approval 21/0719. | HOW HILL, HUTTON ROOF, PENRITH, CA11 0XY | Mr M Iredale | APPROVED |
| 22/0069 | Full Application | Tebay | External and internal alterations to 4no existing accommodation rooms, removing existing windows and sills to form entrance doors to individual terrace to each room and associated works. | Cross Keys Inn, CROSS KEYS INN, TEBAY, PENRITH, CA10 3UY | Stonegate Group | APPROVED |
| 22/0072 | Full Application | Penrith | Replacement of extension with single-story front and side extension. | BRAMBLEHEDGE COTTAGE, CARLETON VILLAGE, PENRITH, CA11 8TP | Mr & Mrs Conway | APPROVED |

| App No | App Type | Parish | Description | Location | Applicant | Decision |
|---------|-------------------|----------------|---|--|--|----------|
| 22/0073 | Advertisement | Kirkby Stephen | Advertisement consent for 1no non-illuminated fascia sign. | 28 MARKET STREET, KIRKBY STEPHEN, CA17 4QW | Mrs B Howarth | APPROVED |
| 22/0074 | Householder PD/PN | Warcop | Proposed part barn conversion to form additional accommodation and rear ground floor extension to dwelling. | NEW LODGE, SANDFORD, APPLEBY-IN-WESTMORLAND, CA16 6NR | MR & MRS M SHAW | APPROVED |
| 22/0075 | Listed Building | Kirkby Stephen | Listed Building Consent for 1no non-illuminated fascia sign. | 28 MARKET STREET, KIRKBY STEPHEN, CA17 4QW | Mrs Beverley Howarth | APPROVED |
| 22/0078 | Tree Works (CA) | Penrith | T1 - leylandii to fell T2 - willow to fell | 3 WORDSWORTH TERRACE, DROVERS LANE, PENRITH, CA11 7QT | c/o Agent | APPROVED |
| 22/0079 | Tree Works (CA) | Great Salkeld | T1) Cherry - Reduction of branch spread by a maximum of 3 metres. | 1 BARNES CROFT, GREAT SALKELD, PENRITH, CA11 9LS | c/o Agent | APPROVED |
| 22/0081 | Listed Building | Appleby | Listed Building Consent to colour the limewash in light yellow ochre and the sandstone surrounds and quoins in light brown linseed oil. | MOOT HALL, BOROUGHGATE, APPLEBY-IN-WESTMORLAND, CA16 6YB | Appleby Town Council - Mrs K Lowthrop | APPROVED |
| 22/0083 | Full Application | Long Marton | Alterations and extension of existing dwelling house. | STAFFORD HOUSE, KNOCK, APPLEBY-IN-WESTMORLAND, CA16 6DN | Mrs Kay Smith | APPROVED |
| 22/0087 | Full Application | Penrith | Proposed side extension. | 85 CLIFFORD ROAD, PENRITH, CA11 8PU | MR J Walters | APPROVED |
| 22/0094 | Full Application | Kirkoswald | Erection of two storey side extension. | 5 LITTLE SANDHILL, KIRKOSWALD, PENRITH, CA10 1EL | Lisa Greene | APPROVED |
| 22/0096 | Full Application | Clifton | Extension of the house into adjoining barn. | DALTON COTTAGE, CLIFTON, PENRITH, CA10 2EG | Mike Brown | APPROVED |
| 22/0103 | Listed Building | Appleby | Listed Building Consent for repairs to roofs, windows, doors, masonry and rainwater goods. | THE CLOISTERS, BOROUGHGATE, APPLEBY-IN-WESTMORLAND, CA16 6QN | Mrs Karen Lowthrop - Appleby-in-Westmorland Town Council | APPROVED |
| 22/0106 | Full Application | Dacre | Discharge of condition 6 (ecological mitigation and management plan), attached to approval 20/0424. | ULLSWATER HEIGHTS HOLIDAY HOMES AND LODGE PARK, SILVER HOWE, FLUSCO, PENRITH, CA11 0JB | Leisure Resorts Ltd | APPROVED |
| 22/0113 | Cert. of Lawful | Glassonby | Certificate of lawfulness for the continued use as C2 Residential Institution for the care of a maximum of one child with no more than 2 carers in residence at any one time. | 2 AIKRIGGS, GAMBLESBY, PENRITH, CA10 1JA | Addis Town Planning Ltd - Mr D Addis | APPROVED |

| App No | App Type | Parish | Description | Location | Applicant | Decision |
|---------|--------------------|------------|---|--|--|----------|
| 22/0114 | Cert. of Lawful | Hunsonby | Certificate of lawfulness for the continued use as C2 Residential Institution for the care of a maximum of two children with no more than 2 carers in residence at any one time. | HUNTERS COTTAGE, WINSKILL, PENRITH, CA10 1PA | Addis Town Planning Ltd - Mr D Addis | APPROVED |
| 22/0116 | Cert. of Lawful | Ainstable | Certificate of lawfulness for the continued use as C2 Residential Institution for the care of a maximum of two children with no more than 2 carers in residence at any one time. | THE BEECHES, AINSTABLE, CARLISLE, CA4 9QQ | Addis Town Planning Ltd - Mr D Addis | APPROVED |
| 22/0122 | Notice of | Penrith | Permitted Development Prior Notification for erection of building to replace silage clamp, dutch barn and cover yard area, and erection of replacement implement shed. | LINGSTUBBS FARM, PENRITH, CA11 0BX | Messrs Jackson S & Sons Robert Jackson | APPROVED |
| 22/0123 | Tree Works (TPO) | Kirkoswald | T1 Sycamore - Crown lift approx 7m. Group 1, Ash / Sycamore / Alder - fell. Group 2, misc, regeneration - Ash / Sycamore - fell. | THE GARAGE, KIRKOSWALD, PENRITH, CA10 1DQ | R H Lace | APPROVED |
| 22/0128 | Non-Material Amend | Penrith | Non Material Amendment to reduce the floor space of plots 54, 73, 74, 75 and 76 and re-site plots 65 to 76 further away from the north west boundary, attached to approval 19/0908. | LAND AT WHITE OX FARM, GREENGILL, PENRITH, CA11 8SE | Atkinson Builder Contractors Ltd - Mr Ross Calperthwaite | APPROVED |
| 22/0173 | Non-Material Amend | Ainstable | Non Material Amendment for the removal of rooflight to eastern elevation extension, attached to approval 21/0759. | GLENGARRY, AINSTABLE, CARLISLE, CA4 9QN | Mr and Mrs David Dockerty | APPROVED |
| 22/0180 | Non-Material Amend | Skelton | Non Material Amendment to extend the west elevation roof down with oak framed support on plot 1, attached to approval 20/0702 | 1 PINFOLD CLOSE, SKELTON, PENRITH, CA11 9SB | Asbridge Builders Limited - Mr Neil Asbridge | APPROVED |
| 22/0197 | Notice of | Penrith | Permitted Development Prior Notification to roof over existing midden. | CROSSFIELD FARM, BOWSCAR, PENRITH, CA11 9NQ | W Threlfell & Son - Mr Richard Threlfell | APPROVED |
| 22/0211 | Non-Material Amend | Cliburn | Non Material Amendment for the removal of windows to dwellings, attached to approval 20/0944. | LAND BETWEEN MELROSE COTTAGE AND GRETA COTTAGE, LAND BETWEEN GAYTHORN AND WEST VIEW, CLIBURN, PENRITH, | F Scott Builders | APPROVED |

In relation to each application it was considered whether the proposal was appropriate having regard to the Development Plan, the representations which were received including those from consultees and all other material considerations. In cases where the application was approved the proposal was considered to be acceptable in planning terms having regard to the material considerations. In cases where the application was refused the proposal was not considered to be acceptable having regard to the material and relevant considerations. In all cases it was considered whether the application should be approved or refused and what conditions, if any, should be imposed to secure an acceptable form of development.

Notice of Decision



To: Ms C Fanshawe
1 Townhead Cottages
Newby
Penrith
CA10 3EX

Mansion House, Penrith, Cumbria CA11 7YG
Tel: 01768 817817

*Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) Order 2015*

Application No: 22/0031
On Behalf Of: Ms C Fanshawe

In pursuance of their powers under the above Act and Order, Eden District Council, as local planning authority, hereby REFUSE full planning permission for the development described in your application and on the plans and drawings attached thereto, viz:

Application Type: Full Application
Proposal: Change of use from agricultural land to residential garden.
Location: 1 TOWNHEAD COTTAGES NEWBY CA10 3EX

The reason(s) for this decision are:

That the application is REFUSED for the following reason:-

1) The proposed change of use applies to a substantial parcel of land which is distinctly agricultural in character and forms an important visual break between the settlement of Newby and the surrounding rural landscape. The proposed use could result in a large, visually prominent tract of land being used in a domestic context, including the domestic paraphernalia one would normally expect in a garden, which would be inappropriate in the context of the site, would result in encroachment of the settlement of Newby into the surrounding countryside, and would be damaging to the local landscape character. To grant permission would be contrary to DEV5 of the Eden Local Plan 2014-2032.

INFORMATIVE:

The applicant is advised that no planning permission is required for planting trees and growing food on this agricultural land, providing the parcel of land is visibly separate from that of the existing residential garden, and is not used as residential garden.

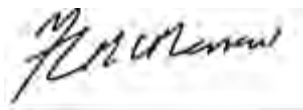
Where necessary the local planning authority has worked with the applicant in a positive and proactive manner seeking solutions to problems arising in relation to dealing with the planning application and to implement the requirements of the NPPF and the adopted development plan.

Date of Decision: 8 March 2022

Signed:

www.eden.gov.uk **Fergus McMorro BA (Hons)**
Assistant Director Planning and Economic





Fergus McMorrow BA (Hons)
Assistant Director Planning and Economic Development

Notice of Decision



To: Shaw & Jagger Architects Ltd - Mr E Jagger
14-15 Regent Parade
Harrogate
HG1 5AW

Mansion House, Penrith, Cumbria CA11 7YG
Tel: 01768 817817

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) Order 2015

Application No: 22/0024
On Behalf Of: Messrs Dixon & Wild

In pursuance of their powers under the above Act and Order, Eden District Council, as local planning authority, hereby REFUSE full planning permission for the development described in your application and on the plans and drawings attached thereto, viz:

Application Type: Full Application
Proposal: Removal of condition 8 (permitted development rights), attached to approval 18/0836.
Location: BARN SOUTH EAST OF NEWBY NEWBY PENRITH

The application is refused for the following reasons:

1. Removal of the Condition would promote significant risk to the appearance, character and setting of the developed traditional building by enabling all forms of permitted development described in Class 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to be undertaken without first having been scrutinised in the context of further planning applications, which are necessary to ensure that any such additions including outbuildings do not promote harmful, erosive impacts on the resultant development through inappropriate design, siting, form and materials, thereby causing the resultant development to be in conflict with Policies RUR3, DEV5 and ENV 2 of the Eden Local Plan 2014-2032.

For the avoidance of doubt, the documents of relevance to this refusal of planning permission are as follows:

(i) The planning application form dated 11 February 2022.

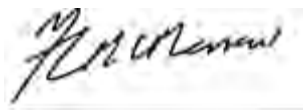
Where necessary the local planning authority has worked with the applicant in a positive and proactive manner seeking solutions to problems arising in relation to dealing with the planning application and to implement the requirements of the NPPF and the adopted development plan.

Date of Decision: 16 March 2022

Signed:

www.eden.gov.uk **Fergus McMorro BA (Hons)**
Assistant Director Planning and Economic





Fergus McMorrow BA (Hons)
Assistant Director Planning and Economic Development

Notice of Decision



To: Mr S Wilkinson
Ash Garth
Church Brough
Kirkby Stephen
CA17 4EJ

Mansion House, Penrith, Cumbria CA11 7YG
Tel: 01768 817817

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) Order 2015

Application No: 21/0819
On Behalf Of: Mr S Wilkinson

In pursuance of their powers under the above Act and Order, Eden District Council, as local planning authority, hereby REFUSE full planning permission for the development described in your application and on the plans and drawings attached thereto, viz:

Application Type: Full Application
Proposal: Removal of condition 7 (local occupancy), attached to approval 06/0164.
Location: APARTMENT A BECKSIDE BRIDGE STREET BROUGH KIRKBY STEPHEN CA17 4BP

The reason(s) for this decision are:

1. Insufficient justification and evidence have been provided to adequately demonstrate reasoning for the removal of the local occupancy restriction condition to create an unfettered occupation contrary to Policy HS1 of the Eden Local Plan, which stipulates that affordable housing sited in Key Hubs should be occupied by residents meeting the local connection criteria.

Where necessary the local planning authority has worked with the applicant in a positive and proactive manner seeking solutions to problems arising in relation to dealing with the planning application and to implement the requirements of the NPPF and the adopted development plan.

Date of Decision: 23 March 2022

Signed:

A handwritten signature in black ink, appearing to read 'Fergus McMorrow', is written over a light blue horizontal line.

Fergus McMorrow BA (Hons)
Assistant Director Planning and Economic Development

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Eden District Council**Planning Committee Agenda**
Committee Date: 21 April 2022**INDEX**

| Item No | Application Details | Officer Recommendation |
|----------------|--|---|
| 1 | 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 | Recommended to: APPROVE Subject to Conditions |
| 2 | 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 | Recommended to: APPROVE Subject to Conditions |

Agenda Item 1
REPORTS FOR DEBATE

Date of Committee: 21 April 2022

Planning Application No: 20/0637 **Date Received:** 2 September 2020

OS Grid Ref: NY 350105, 526666 **Expiry Date:** 28 October 2020
(time extension to 26 April 2022)

Parish: Sockbridge and Tirril **Ward:** Eamont

Application Type: Planning Permission

Proposal: Creation of retaining wall, floating deck and platform over stream for solar panels, and alterations to existing walls for flood defence, part retrospective

Location: The Meeting House Quakers Lane Sockbridge Penrith CA10 2JR

Applicant: Mr Ian Graham

Agent: N/A

Case Officer: Gemma Gaskell

Reason for Referral: Proposal has been called for determination at planning committee on material planning grounds by an objection from the Parish Council.



Agenda Item 1
REPORTS FOR DEBATE



1. Recommendation

It is recommended that planning permission be granted subject to the following conditions:

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.

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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 and platform hereby permitted shall be removed within 6 months of the expiry of 25 years from the date when electricity from the development is first supplied, or within 6 months of the development failing to produce electricity for a continuous period of 12 months, whichever the earlier. 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.

Informatives:

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. Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. The Council's Building Control Team should be consulted before works commence. You contact the team directly at building.control@eden.gov.uk
3. Prior to any work commencing on the watercourse the applicant should contact the Lead Local Flood Authority on telephone: 01228 221331 or email: LFRM.consent@cumbria.gov.uk to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required it should be noted that a fee of £50 will be required and that it can take up to two months to determine.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 This application seeks planning permission for the alteration and rebuilding of boundary treatments to the site, with a floating deck and platform for the siting of solar PV panels to the north of the site over Lady Beck. Retrospective consent is sought for a retaining wall to Lady Beck and the engineering operation of altering adjacent land

levels. Glass panel boundary treatments and metal balustrades to the development adjacent to and above Lady Beck also form part of this proposal.

- 2.1.2 Other works proposed at this site were considered under a concurrent listed building application 20/0638, however these do not constitute development requiring full planning permission, but did require an assessment on the character and setting of the adjacent Grade II Listed former Quaker Meeting House. This application was approved at Planning Committee on 23 March 2021.

2.2 Site Description

- 2.2.1 The site that forms the subject of this application is Meeting House, a Grade II Listed Building located in the small village/hamlet of Sockbridge. To the south/front of the site is an associated Quaker burial ground, with Lady Beck emerging and flowing to the north/rear of the site.
- 2.2.2 The Meeting House was constructed as a Quaker meeting room in 1731 as a single storey building, with a front porch added two years later. Although converted to a dwelling following its closure as a meeting house in 1861, the building is notable for its simple proportions and large sash windows to front and rear, black painted stone surrounds contrasting with the white painted render finish. The rear elevation is not rendered but the stone rear wall is painted white, and internally the original panelled partition survives. At the time of this application, extensions and development regularised through consents 19/0090 and 19/0102 are currently under construction at the site.
- 2.2.3 The application site is located within Flood Zone 1, and there are no planning constraints affecting the site which are relevant to the determination of this planning application.

3. Consultees

3.1 Statutory Consultees

| Consultee | Response |
|--|--|
| Highway Authority and Lead Local Flood Authority | <p>Cumbria County Council as both the Local Highway Authority and Lead Local Flood Authority has no objection to the proposed works. It is noted that the applicant has provided detailed calculations produced by Kingmoor consulting which indicate that the Solar Array Platform would be built to Drawing No 21-355-DWG001 Rev: A and the Floating Platform/Balcony to Drawing No 21-355-DWG002 Rev: A.</p> <p>The Plans provided in conjunction with surface water flow route plans and works which have been undertaken by the applicant should improve the situation and would not exacerbate the existing surface water flooding and flow routes indicated on the mapping.</p> <p>It is still noted that one of the asks from CCC as LLFA in the email dated the 8 July 2021 was with regards to the Drainage Outlets from the new wall, in the email it was requested that the drainage</p> |

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| | |
|--|--|
| | <p>pipes would be cut flush with the wall structure to prevent any damage or potential plastic piping being washed away. This is a minor detail but should still be undertaken and as such could be addressed with a suitably worded condition.</p> <p>CCC would still advise that much of the works would be carried out on or in the Ordinary Watercourse, and as such the applicant would still be required to apply for an Ordinary Watercourse Flood Defence Consent from Cumbria County Council as Lead Local Flood Authority and as such I would request the inclusion of the following informative in any consent.</p> |
|--|--|

3.2 Discretionary Consultees

| Consultee | Response |
|----------------------|---|
| Environment Agency | No observation received |
| Conservation Officer | <p>1) Proposed retaining wall - low visual harm to the setting of rural character of the listed building. Justification should be provided for this harm. Whilst the proposed glass balustrade is not of traditional character, it is accepted in this case that it would mitigate the visual barrier effect created by the new wall.</p> <p>2) The proposed low wall would not cause any visual harm to the setting of the listed building. The proposed wall should match in materials and design the existing front boundary walls.</p> <p>3) The proposed floating deck, by its proposed width, and together with the proposed solar panels platform, would obscure most of the view on the stream from the west and cause moderate harm to the setting of the listed building. Recommendation that only the solar panel deck is retained in its proposed width and location to provide both access to the other bank and the installation of the solar panels. Viewed in the context of surrounding modern domestic paraphernalia, it is considered that the proposed solar panels in this location would be acceptable in this location. Details of the proposed material and design of the balustrade of the solar deck should be provided as it is not clear on the drawings.</p> |

4. Parish/Town Council Response

| Parish Council | Please Tick as Appropriate | | | |
|-----------------------|----------------------------|---------|--------------|-------------------|
| | Object | Support | No Objection | No View Expressed |
| Sockbridge and Tirril | ✓ | | | |

- 4.1 A response was received on the 27 October 2020 advising that they object to each aspect of the planning proposal.

5. Representations

- 5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 30 October 2020.

| | | | |
|---------------------------------------|---|--------------------------------------|---|
| No of Neighbours Consulted | 8 | No of letters of support | 2 |
| No of Representations Received | 9 | No of neutral representations | |
| No of objection letters | 7 | | |

- 5.2 Letters of objection raised the following material considerations to the application:

- Annexing of adjacent public amenity land into private garden area (subsequently removed from the proposal) and use of this area to store materials during construction.
- Floating deck and solar panels harm character and setting of the Grade II Listed Building, and extending beyond the midpoint of the beck.
- Lack of justification for flood mitigation due to being outside of designated flood risk area.
- Disproportionate scale of retaining wall.

- 5.3 Letters of support raised the following comments:

- Restoration and renovations of a Listed Building that was in a dilapidated condition.
- Prevent further damage from flooding.
- Solar PV panels reduce carbon footprint.
- Replacement of windows with uPVC framed heritage equivalents difficult to distinguish from traditional windows and appropriate to the building (subsequently removed from the listed building proposal).

6. Relevant Planning History

| Application No | Description | Outcome |
|----------------|--|------------------------|
| 21/0463 | Discharge of condition 3 (materials), attached to Listed Building Consent 19/0102 | Active |
| 20/0638 | Listed Building Consent for flood defence works and reinstatement of drip stone to West facing gable elevation | Approved 23 March 2021 |

| Application No | Description | Outcome |
|-----------------------|---|---------------------------|
| 19/0090 and 19/0102 | Extension and renovation. Re-submission of 17/1083 | Approved 8 August 2019 |
| 17/1082 and 17/1083 | Extension and renovation | Approved 12 February 2018 |
| 05/0541 and 05/0542 | Extensions and alterations to existing dwelling | Approved 9 August 2005 |
| 88/1634 | Renovation of existing building. conversion of attic to bedroom | Approved 26 January 1989 |

7. Policy Context

7.1 Development Plan

Eden Local Plan (2014-32)

- DEV1 – General Approach to New Development
- DEV2 – Water Management and Flood Risk
- DEV5 – Design of New Development
- ENV6 – Renewable Energy
- ENV10 – The Historic Environment

7.2 Other Material Considerations

National Planning Policy Framework

National Planning Practice Guidance (NPPG)

National Design Guide (2019)

Listed Building and Conservation Areas Act 1990

7.3 The policies and guidance detailed above are the most relevant policies relating to this application.

8. Planning Assessment

8.1 Key/Main Planning Issues

- Principle of the development.
- Scale, design and impact on the character and appearance of the built environment and heritage assets.
- Landscape and amenity impacts.
- Infrastructure and flood risk.

8.2 Principle of the development

8.2.1 In terms of the principle of any development, consideration is given to the Development Plan. This consists of the adopted Eden Local Plan (2014-2032) and the policies which it contains.

8.2.2 The proposal seeks further renovations and restoration to the Meeting House site, in this case to the grounds and boundary treatments to the site. The extensions and

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restorations permitted through 19/0090 and 19/0102 are currently under construction. This planning application seeks consent for the development to boundary treatments, plus retaining walls and floating decks/platforms above Lady Beck to the north of the curtilage to the Meeting House Listed Building. The heritage, design, landscape and flood risk implications of these will be discussed in the following sections, however the principle of such developments, sought to protect the Listed Building from flooding and providing boundary treatments and renewable energy technologies for the dwelling house, are considered to be acceptable in principle when assessing the proposal against Policy of the Eden Local Plan.

8.3 Scale, design and impact on the character and appearance of the built environment and heritage assets

- 8.3.1 Policy DEV5 of the Eden Local Plan seeks to ensure that all new development is of an appropriately high quality design, which shows a clear understanding of the form and character of the locality.
- 8.3.2 Policy ENV10 attaches great weight to the conservation and enhancement of the historic environment, heritage assets and their setting, requiring all proposals for development to conserve or enhance the significance of heritage assets and their setting.
- 8.3.3 The Meeting House is a Grade II Listed Building, a heritage asset of national importance. The property had deteriorated into a poor condition, and whilst the site is within Environment Agency Flood Zone 1, with a low probability of flooding, it is understood that the site and surroundings have been impacted by surface water flooding events over recent years.
- 8.3.4 This planning application seeks developments to the curtilage and extended surrounding area of the listed building, namely to boundary treatments, retaining wall and change to land levels adjacent to Lady Beck, with a floating deck and solar panel platform above this beck. To the front south boundary treatment, a new limestone wall is proposed in place of the existing vegetation to the adjacent burial ground, retaining the existing metal fencing on the inside of this boundary. The proposed wall is to be finished in limestone with triangular red sandstone copings atop to match the surrounding walls to the burial ground, measuring 0.9 metres tall. The proposed boundary treatments are of modest scale, finished in natural stone and congruent to the surrounding walls to the Listed Building, and are considered suitable for the site, causing no harm to the heritage asset or its setting, subject to being constructed in accordance with these details.
- 8.3.5 To Lady Beck to the north, this application seeks retrospective consent for the construction of a retaining wall on the southern bank of this beck, and changes to land levels to create a level rear garden area to the site. The land previously sloped down to the beck, containing large trees and vegetation, which has been cleared through the developments to the beck headwall, the retrospective creation of the sought retaining wall and to provide access to an electricity infrastructure pole on the opposite bank of the beck. This has created a much more open view of the beck compared to the mature vegetation near the new headwall in previous years, increasing the visual prominence of the sought works adjacent to and above the beck.
- 8.3.6 The sought retaining wall will appear as an engineered boundary to the beck, as opposed to the previous more natural banking down to the beck. However, given the fact this beck and retaining wall is subterranean, beneath the adjacent pavement and

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garden area to Meeting House, the visibility of this circa 1.8 metre retaining wall is concealed to a degree. Viewed in the visual context of the recently constructed headwall, neighbouring domestic rear boundary treatments and walls to the beck as existing, this retaining wall development will appear visually acceptable in its setting and cause no harm to the heritage asset or visual amenity of the area. This is subject to the retaining wall being finished in limestone facing walls with a flat red sandstone coping to match the headwall.

- 8.3.7 Whilst the previous tree lined beck had a more natural appearance, the clearing of trees in the vicinity increases the visibility of the beck but also the surrounding domestic properties, gardens and paraphernalia immediately abutting the beck, and in this visual context the proposed retaining wall will appear appropriate finished in suitable natural materials.
- 8.3.8 A top of the retaining walls, a 1 metre tall glass safety panel boundary is proposed. This will assist in retaining some visual interconnectivity between the beck and the contemporary additions permitted to the rear of the Listed Building under approved applications 19/0090 and 19/0102. The use of high quality contemporary finishes that are lightweight and clearly distinct from the heritage asset can help distinguish original features of the asset from sympathetic contemporary additions, whereas some matching or similar finishes can confuse the visible evolution of the site. The proposed glazed boundary is considered to strike a balance between retaining the connectivity between the beck and the listed building, without causing harm to the heritage asset. The terracing and small boards to the opposite bank is similarly a lightweight development considered visually appropriate to allowing vegetation growth to the opposing bank, and in any case are of insufficient scale to constitute an engineering operation or development.
- 8.3.9 A floating deck and platform to contain solar PV panels is proposed beyond the rear curtilage area, approximately 1.7 metres above Lady Beck water level. The proposed decking and platforms above the beck will conceal some aspects of the beck, particularly beyond circa 8 metres from the headwall where these developments are situated. This will extend the domestic appearance and development into the visual space of the beck, resulting in a further loss of the natural aspects of this beck. The recent developments around the headwall have already introduced some engineered aspects to the area, and the wider visual context beyond the headwall are domestic boundary treatments, sheds and more modern dwelling houses beyond.
- 8.3.10 The beck is considered to contribute positively to the visual and heritage setting of the Meeting House. However, the listed building and beck cannot be viewed in isolation, but amongst the mid-20th century properties and development immediately around the beck and listed building. From the public perspective of the headwall, the proposed decking, platform, solar PV panels would be viewed as a contemporary domestic addition in the same context as the housing to the east of the site in the background, with the beck still visible from aspects where the backdrop is directly to the listed building. These developments would appear lightweight intervention, with the floating deck cantilevered with glass boundaries, whilst the solar PV platform would be below the surrounding ground levels attached either side of the beck bank with minimal metal balustrades, the details of which can be confirmed through planning condition. Until relatively recently, this area around the beck would have been partially concealed and shadowed by large trees and vegetation.

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- 8.3.11 These sought developments above the beck would appear congruent to the surrounding residential character of the area and contemporary addition, clearly distinguishable from the listed building, particularly due to the proposed modern glazed panels between the decking/platform and the listed building. Furthermore, the rear elevation of the Listed Building is now predominantly occupied by recently approved extensions currently under construction, and the proposed floating deck, platform and balustrades would be viewed in the context of these modern interventions to the Listed Building. Whilst the visual concealment of further aspects of the beck would result in a small degree of less than substantial harm to the setting of the listed building and visual amenity, which weighs against the proposal, this can be partially mitigated by use of high quality external finishes to surface and boundary treatments to these developments, to be controlled through planning condition.
- 8.3.12 As such, whilst the views and concerns of the Parish Council and neighbouring residents are duly noted and not without merit, for the reasons detailed above, it is considered that the design and scale of the developments sought are proportionate, and subject to the external materials being controlled through planning conditions to ensure these are high quality materials appropriate to the setting of the Listed Building, these would be in accordance with the requirements of Policies DEV5 and ENV10 of the Eden Local Plan.

8.4 Landscape and amenity impacts

- 8.4.1 Within the Eden Local Plan, Policy DEV5, in part, seeks to ensure that all new development *'protects the amenity of existing residents and business occupiers'*.
- 8.4.2 The use of land to the west of the site and creation of a new boundary treatment and gate to delineate this space originally formed part of this application, however this has been removed from the proposal. Concerns were raised regarding ownership of this land, access to the beck headwall for maintenance, and detractions of the loss of this publically accessible space for the wider use of the community, as this would have monopolised views of the beck from the recently developed headwall and adjacent public space. Under the amended proposal, this element of the application has been removed, and the original low western boundary wall is to be rebuilt in its original location through the amended proposal, which is considered to be acceptable. It is noted that this area of land is currently bounded by a temporary fence and used to store material as part of the current construction works, however now that this does not form part of the proposal and on the assumption the land is restored following completion, this does not form part of the current application under consideration.
- 8.4.3 The proposed developments will provide a clear delineation between the domestic site and the burial ground to the front and publically accessible amenity land to the west of the site, improving the residential amenity standards of the occupants of the property whilst also demonstrating that the wider areas beyond this are accessible for the enjoyment of the public, offering positive amenity impacts. Furthermore, the sought floating deck and changes to land levels through the retrospective retaining wall will improve the residential amenity standards of occupants by protecting providing more usable private external garden area, improving the present situation with regarding flooding, whilst causing no harm to neighbouring residential amenity.
- 8.4.4 Therefore, for the reasons detailed above, it is considered that the proposed development would not result in any undue or adverse harm being generated to any nearby neighbouring dwelling or public amenity. As such, the proposed development is

considered to be in-accordance with the requirements of Policy DEV5 of the Eden Local Plan.

8.5 Infrastructure and flood risk

- 8.5.1 Within the Eden Local Plan, Policy DEV2 requires proposals to meet the sequential approach to development in flood risk areas, preventing inappropriate development areas at risk of flooding, whilst adhering to the hierarchy of surface water management.
- 8.5.2 Policy ENV6 of the Eden Local Plan provides support for renewable and low carbon energy schemes, whilst ensuring local landscapes are protected from inappropriate development and significant adverse effects are avoided.
- 8.5.3 The removal of the enclosure of land to the west of the site allows continued unfettered access to the headwall of the beck, which will allow access to the recently installed drainage infrastructure for maintenance by the relevant authority. The majority of the developments sought through this proposal are intended to reduce the impact of surface water flooding to the site and Listed Building, in particular the retaining wall to Lady Beck and the boundary wall between the site and the burial ground to the south.
- 8.5.4 Whilst the site is within flood zone 1, calculated to be at less than 0.1% chance of flooding in any year from rivers or the sea, it is understood that the site and surrounding area has suffered from surface water flooding in recent years. The sought measures to mitigate this do not appear to have been designed by a drainage engineer, however the installation of walls with surface water drains directing water through pipes to Lady Beck is likely to reduce the levels of surface water flooding reaching the Listed Building by directing this to the watercourse. These works to prevent erosion of the rear curtilage, and trying to direct water around the site through boundary treatments and beneath ground drainage, are considered to be unobtrusive methods of reducing the risk of the Listed Building flooding without directly impacting upon the historic fabric of the building itself. A similar approach appears to have been taken to the burial ground, which has a floodgate to the gate access to this land. The proposed measures to provide flood-resistance are considered to be likely to redirect or at least delay and reduce the risk of surface water flooding entering the site and impacting the Listed Building. This view is supported by the Lead Local Flood Authority in their assessment of the application, and as such it is considered that this benefit can be afforded a moderate degree of weight in the planning balance.
- 8.5.5 Kingmoor Consulting Structural Engineers has provided detailed calculations of the proposed solar array platform and walkway, and the Lead Local Flood Authority are satisfied that the plans provided in conjunction with surface water flow route plans and works which have already been undertaken by the applicant should improve the situation and would not exacerbate the existing surface water flooding and flow routes.
- 8.5.6 The platform above the stream is to contain solar PV panels, and similar panels existing to the south front facing slopes of neighbouring dwelling houses along the B5320. Solar PV slate tiles were also permitted to the south facing elevation of the approved rear extension of the Meeting House through permission 19/0090. The proposed solar panels are detached from the Listed Building, with a clear separation between the heritage asset and beyond the glazed rear boundary. These panels are modest in scale and thus modest in energy production potential. However modest, the generation of renewable energy is considered to be a benefit to the proposal, supported by policy ENV6, which encourages the decentralised energy and reduction in reliance on fossil fuels.

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- 8.5.7 For the reasons detailed above, whilst the solar PV panels would generate a relative small quantity of electricity, Paragraph 154 of the National Planning Policy Framework, in part, advises that when considering proposals which include renewable energy element, Local Planning Authorities should, ‘...recognise that even small-scale provide a valuable contribution to cutting greenhouse gas emissions’, such as in the case of the current proposal. These developments are considered to provide modest benefits in terms of renewable energy generation and likely reduction to the risk of surface water flooding reaching or impacting upon the Listed Building. These factors weigh in favour in the planning balance and are considered to be compatible with Policies DEV2 and ENV6.

9. Implications

9.1 Legal Implications

- 9.1.1 The following matters have been considered but no issues are judged to arise.

9.2 Equality and Diversity

- 9.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

9.3 Environment

- 9.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

9.4 Crime and Disorder

- 9.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

9.5 Children

- 9.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

9.6 Human Rights

- 9.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

10. Conclusion

- 10.1 It is considered that the proposal accords with the Development Plan for the following reasons which are not outweighed by material considerations:
- 10.2 The proposed developments are to be finished in matching natural materials or high quality lightweight contemporary finishes, and subject to the confirmation of these details through planning condition, both approaches are considered to be appropriate to the setting of the Listed Building and visual amenity of the area. The sought floating deck and platform would conceal part of the visibility of the adjacent Lady Beck, which would have formed part of the original setting of the Listed Building, and this beck is considered to contribute positively to this heritage setting.
- 10.3 However, the wider setting within which these are viewed is now mid-20th century dwelling houses with associated curtilages, boundary treatments and domestic paraphernalia in very close proximity to the beck and heritage asset. In this context, whilst the floating deck and platform would conceal part of the further visibility of the

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beck, these would not affect the immediate foreground of the Listed Building from public perspectives, and the harm to the setting of this heritage asset is considered to be small in this case. The justification for the proposal, to provide a large usable domestic garden area, generate decentralised renewable energy to the property, and walls to endeavour to mitigate and reduce the impacts of surface water flooding to the heritage asset are considered to weigh in favour of the proposal, and outweigh the small degree of visual and heritage harm from the visual concealment of part of the beck away from the headwall viewpoint.

- 10.4 The proposal would deliver economic and social benefits through the financial expenditure of development, improve residential amenity standards and protect the Listed Building dwelling house from future surface water flooding events, which weighs in favour of the proposal in an overall planning balance without resulting in any adverse harm being caused to the appearance, character, setting or significance of this important heritage asset.
- 10.5 Therefore, this application is considered to be policy compliant and is recommended for approval subject to planning conditions.

Fergus McMorrow
Assistant Director Development

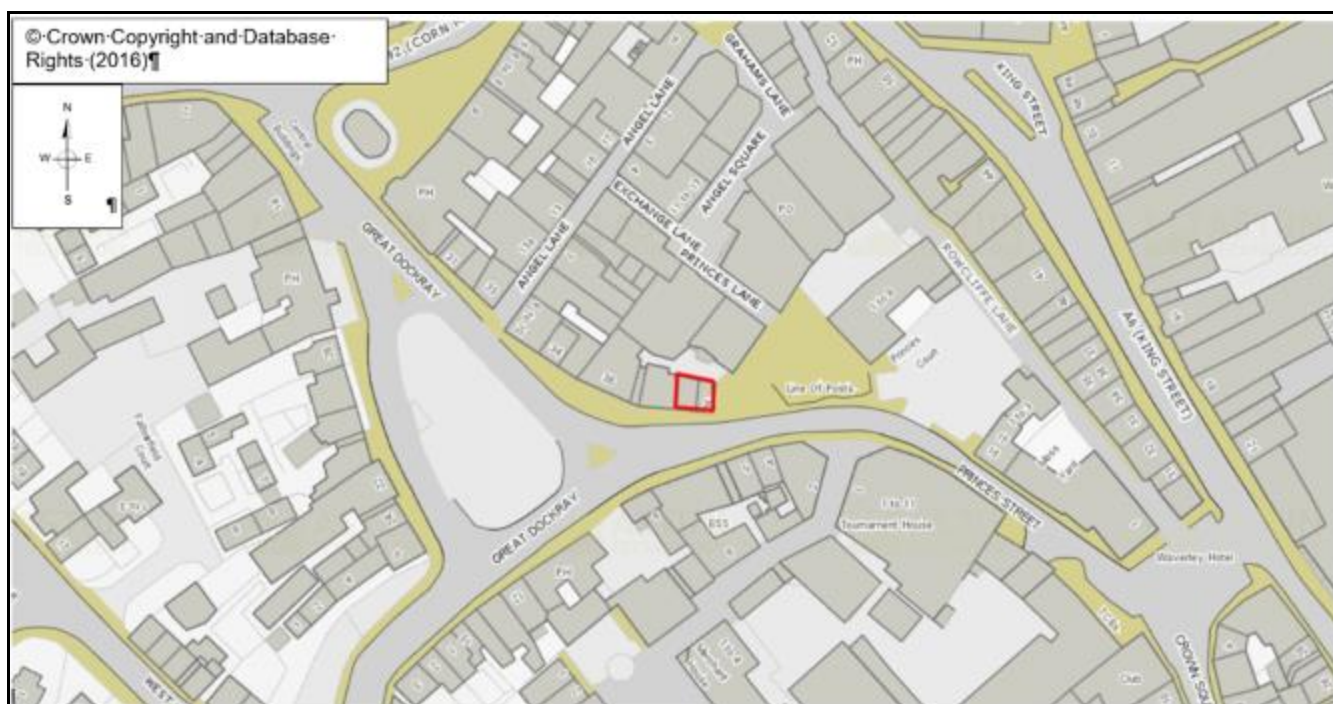
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| Checked by or on behalf of the Monitoring Officer | 06.04.22 |
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Background Papers: Planning File 20/0637

Agenda Item 2

REPORTS FOR DEBATE

| | | | |
|---------------------------------|--|-----------------------|---|
| Date of Committee: | 21 April 2022 | | |
| Planning Application No: | 21/1054 | Date Received: | 10 January 2022 |
| OS Grid Ref: | 351572, 530022 | Expiry Date: | 7 March 2022 (time extension agreed to 22 April 2022) |
| Parish: | Penrith | Ward: | Penrith South |
| Application Type: | Listed Building | | |
| Proposal: | Listed building consent for the replacement of existing timber shop front door with UPVC | | |
| Location: | 38-39 Great Dockray, Penrith | | |
| Applicant: | Mr J Willan | | |
| Agent: | None | | |
| Case Officer: | Caroline Zalkind | | |
| Reason for Referral: | Proposal has been called in due to the recommendation being contrary to the views of the Town Council. | | |



Agenda Item 2
REPORTS FOR DEBATE



1. Recommendation

It is recommended 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

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 This listed building application seeks consent to replace the existing timber shop front door with a UPVC door in the same style.
- 2.1.2 The listing states '*Early C18. Two storeys, scored stucco over stone, old slate roof, 2 chamfered stone doorways, and modern doors inserted in former coach-house entrance which has a segmental head. Small square shop window and 2 sashes down, 3 sashes up, also 2 older windows of 2 and 3 lights with stone mullions*'.

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- 2.1.3 It is duly noted that the listing states that modern doors have been inserted in the former coach house entrance, which is subject to this listed building application.
- 2.1.4 The reason of the proposed change in material of the doors is due to the current wooden doors not always closing due to swelling in certain temperatures which poses a security risk for the business in this premises.

2.2 Site Description

- 2.2.1 The site is located in the centre of Penrith in an area that sees a variety of businesses, shops, takeaways and residential properties.
- 2.2.2 The host site is a hair and beauty salon.
- 2.2.3 The site is grade II listed, within the Penrith conservation area and within a flood zone 1.

3. Consultees

3.1 Discretionary Consultees

| Consultee | Response |
|----------------------|--|
| Conservation Officer | A response was received on the 14 February 2022 advising that ' <i>in general, UPVC is not considered an appropriate material for use in Listed Buildings. The modern and rigid character of UPVC which does not age is at odds with the character of traditional buildings. I have no issue with the replacement of the proposed door as it is a modern timber door infilling the former arched stone entrance and will not cause harm to the character of the Listed Building. If approval for the use of UPVC is awarded the overall impact on the character and significance of the Listed Building will be minor however from a conservation p.o.v. a replacement in timber would be highly preferable</i> '. |

4. Town Council Response

| Town Council | Please Tick as Appropriate | | | |
|--------------|----------------------------|---------|-------------|-------------------|
| | Object | Support | No Response | No View Expressed |
| Penrith | ✓ | | | |

- 4.1 A response was received on the 8 February 2022 objecting to the proposal on the following grounds:
1. The building is a Grade II listed building within the conservation area which has some of the oldest buildings in Penrith.
 2. The use of uPVC fails to conserve or enhance the significance of the building and there are no public benefits which outweigh the harm caused to the significance of the listed building.

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3. The proposal doesn't accord to Policy ENV10 of the ELP nor the Shopfront and Advertisement Design SPD which requires replacement of windows on a like for like basis.

5. Representations

- 5.1 The site notice was posted on 1 February 2022.

| | | | |
|---------------------------------------|---|--------------------------------------|---|
| No of Neighbours Consulted | 5 | No of letters of support | 0 |
| No of Representations Received | 0 | No of neutral representations | 0 |
| No of objection letters | 0 | | |

6. Relevant Planning History

| Application No | Description | Outcome |
|-----------------------|--|--------------------------|
| 10/0274 | Replacement of fully glazed double doors with half glazed doors | LBC Refused – 01/07/10 |
| 15/0296 | Creation of a doorway/link between 38 and 39 Great Dockray | LBC Approved – 10/06/15 |
| 15/0309 | Change of use from taxi office (use class sui generis) to hair and beauty salon (use class A1) | Full Approval – 10/06/15 |

7. Policy Context

7.1 Development Plan

Eden Local Plan (2014-2032):

- DEV5 – Design of New Development
- ENV10 – The Historic Environment

7.2 Other Material Considerations

National Planning Policy Framework:

- Chapter 16 Conserving and enhancing the historic environment

Shopfront and Advertisement Design SPD

- 7.3 The policies and documents detailed above are the most relevant policies relating to the determination of this application.

8. Planning Assessment

8.1 Key/Main Planning Issues

- Principle
- The Historic Environment

8.2 Principle

- 8.2.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 s 66(1) requires a decision-maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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- 8.2.2 Policy ENV10 'The Historic Environment' of the Eden Local Plan says the Council will require proposals for development to conserve and enhance the significance of heritage assets and their setting. Also development proposals should be of high quality and sensitive design that takes account of scale, density, height and materials.
- 8.2.3 Policy DEV5 'Design of New development' requires proposals to reflect the existing street scene and it also requires that quality materials are used which complement or enhance the local surroundings.
- 8.2.4 The principle of this proposal is considered to be very finely balanced as to its acceptability. Whilst UPVC is not normally accepted as an appropriate material for Listed Buildings, in this site specific instance, given the poor quality of the modern doors that are to be replaced and that the remaining original features of the coach house entrance would not be impacted it is considered that the character and historic interest of the building would be preserved. Whilst the use of timber rather than UPVC would enhance the building, the justification provided regarding the issues with the use of timber weighs in favour of the proposal. On balance therefore it is considered that the proposal meets the aims and requirements of the conservation policies as outlined within the Planning LBCA Act 1990, NPPF 2021 and Eden Local Plan ENV10 and DEV5 and could be supportable in principle.

8.3 The Historic Environment

- 8.3.1 The sole consideration in the determination of this application, relates to the impact of the proposed development upon the appearance, setting, character and significance of the Listed Building. In this regard consideration is given to Policy ENV10 of the Eden Local Plan and Chapter 16 of the NPPF, and the Planning (Listed Building and Conservation Areas) Act 1990, all of which seek to ensure that proposals conserve and enhance the historic environment, and avoid significant harm being caused to any heritage asset.
- 8.3.2 The Conservation Officer has commented that whilst UPVC, in general, is not considered an appropriate material for use in Listed Buildings, in this instance *'I have no issue with the replacement of the proposed door as it is a modern timber door infilling the former arched stone entrance and will not cause harm to the character of the Listed Building'*.
- 8.3.3 Whilst the Conservation Officer advises that a replacement in timber would be highly preferable, she states that *'if approval for the use of UPVC is awarded the overall impact on the character and significance of the Listed Building will be minor'*.
- 8.3.4 The Shopfront and Advertisement Design SPD (6.2) advises that *'replacement on a like for like basis will normally be required, particularly for listed buildings. Like for like means the same materials, glazing bar profiles etc. and reusing any historic glass, for example stained glass'*.
- 8.3.5 The proposed replacement doors, whilst a different material, would visually appear the same within the streetscene.
- 8.3.6 Justification for the change in material is explained, in that the current timber doors swell and will not always close, posing a security risk to the hair and beauty salon within the premises. As such, to replace them with timber again would create the same issue. This justification is considered to be a private benefit as opposed to a public benefit, however Officers understand the reasoning.

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- 8.3.7 The Penrith Town Council's objections are understood. Notwithstanding this, each proposal is considered on its own merits and given the Conservation Officers advice, it is considered that on balance, the proposed development would not result in an adverse degree of harm that would warrant its refusal.
- 8.3.8 In general, where original features of a listed building survive, it is desirable to replace them on a like-for-like basis in the same material so as to preserve the character of the building. In the case of this proposal, however, the original doors have been lost through earlier alterations prior to the building being listed. As such, in determining the appearance of the building and its contribution to the character of the surrounding area, the integrity of the building has already been compromised.
- 8.3.9 On balance the proposal is considered to be visually sympathetic to the grade II listed building, continuing to preserve the character, appearance and significance of the heritage asset and would contribute towards the long term protection of the building.
- 8.3.10 It is considered to be reasonable and necessary to include a condition requiring a sample of the material proposed to be submitted to the Council prior to installation to ensure that the finish and profile is acceptable (see recommendation).
- 8.3.11 Given the above considerations, this site specific development is considered to be in accordance with the conservation policies as outlined within the Planning LBCA Act 1990, NPPF 2021 and Eden Local Plan ENV10 and DEV5.

9. Implications

9.1 Legal Implications

- 9.1.1 The following matters have been considered but no issues are judged to arise.

9.2 Equality and Diversity

- 9.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

9.3 Environment

- 9.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

9.4 Crime and Disorder

- 9.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

9.5 Children

- 9.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

9.6 Human Rights

- 9.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

10. Conclusion

- 10.1 It is considered that the proposal accords with the Development Plan for the following reasons which are not outweighed by material considerations:

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- 10.2 The proposal is considered, on balance, to be sympathetic to the grade II listed building, which would continue to preserve the character, appearance and significance of the heritage asset.
- 10.3 The development would not result in an adverse degree of harm that would warrant its refusal, and would contribute towards the long term protection of the building. Therefore, the development is considered to be in accordance with the conservation policies as outlined within the Planning LBCA Act 1990, NPPF 2021 and Eden Local Plan ENV10 and DEV5.

Fergus McMorrow
Assistant Director Development

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|---|------------|
| Checked by or on behalf of the Monitoring Officer | 04.04.2022 |
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Background Papers: Planning File 21/1054