

Eden District Council

Planning Committee Minutes

Date: 19 May 2022 Venue: The Council Chamber, Town Hall, Penrith Time: 9.30 am

Present:

Chairman: Councillor W Patterson

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

Standing Deputies: Councillor P G Baker

Officers Present: Rebecca Harrison, Senior Solicitor
Jill Shingler, Principal Planning Officer

Democratic Services Officer: Lewis Powell

Pla/181/05/22 Apologies for Absence

Apologies were received from Councillor Holden, with Councillor Baker deputising, and Councillor Wicks.

Pla/182/05/22 Minutes

Proposed by Councillor Eyles
Seconded by Councillor Ross

and **RESOLVED** that the public minutes Pla/170/04/22 to Pla/180/04/22 of the meeting of this Committee held on 21 April 2022 be confirmed and signed by the Chair as a correct record of those proceedings.

Pla/183/05/22 Declarations of Interest

Councillor Eyles declared an interest in that he was recording the meeting.

Councillor Chambers declared an interest in Application No: 21/0949 in that he was the ward member for the application. He stated that he had no part in any discussions on this application.

Pla/184/05/22 Appeal Decision Letters

Members considered report DCE33/22 of the Assistant Director Development which detailed decision letters received since the last meeting.

Application Number(s)	Applicant	Appeal Decision
21/0687	<p data-bbox="539 300 928 443">Lowther Estate Trust Shed at Yanwath Hall, Penrith, CA10 2LF</p> <p data-bbox="539 483 928 1032">The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).</p> <p data-bbox="539 1072 928 1865">The development proposed is conversion including partial demolition of an agricultural building at Yanwath Hall to create four dwellinghouses (Use Class C3) including the reuse of the existing concrete foundation, the retention of the steel frame including the roof structure, the block walls to both elevations, with the replacement of the external timber cladding to the walls and the replacement of the existing roof covering, with new materials to match/complement as existing in design and appearance.</p>	The appeal is allowed.

RESOLVED that the report be noted.

Pla/185/05/22 Planning Issues

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

- a) Applications determined under office delegated powers for the month of April 2022
- b) Reasons for refusal on delegated decisions for the month of April 2022

Pla/186/05/22 Planning Issues - Applications for Debate (Green Papers)

Members were advised of the applications requiring a decision by Members as detailed in a report of the Assistant Director Planning and Economic Development.

RESOLVED that:

1. the following applications for planning permissions ("those applications") are determined as indicated hereunder;
2. those applications which are approved be approved under the Town and Country Planning Act, 1990, subject to any detailed conditions set out in the Report, to any conditions set out below and to any conditions as to time stipulated under Sections 91 and 92 of the Act;
3. those applications which are refused be refused for the reasons set out in the report and/or any reasons set out below;
4. those applications which the Assistant Director Planning and Economic Development is given delegated powers to approve under the Town and Country Planning Act, 1990, be approved by him subject to any detailed conditions set out in the Report, to any conditions as to time stipulated under Sections 91 and 92 of the Act, to the receipt of satisfactory replies.

Pla/187/05/22 Planning Application No: 21/0949 Variation of condition 1 (plans compliance) to include amended site layout plan with amended ground levels, attached to approval 20/0078 Land west of Sockbridge, Thorpefield Stoneswood Developments Ltd

The Principal Planning Officer stated that there was an error in the report in the recommendation at condition 2, in that not all the previously approved plans are included in the report. Therefore they requested that delegated authority be given to the Assistant Director Development to include the details of the previously approved plans when the recommendation is moved.

Members received a presentation from Mr Addis, the agent, in support of the application.

Members queried:

- The increases in floor levels mentioned in the report.
- The earlier grants of planning permission.

Proposed by Councillor Eyles

Seconded by Councillor Lynch

For: 10

Against: 0

Abstain: 0

and **RESOLVED** that Planning Permission be GRANTED subject to the following conditions, with delegated authority to the Assistant Director Development to include details of the approved plans.

Time Limit for Commencement

1. The development permitted shall be begun before 16 July.

Reason: In order to comply with the provisions of the Town and Country Planning Act 1990.

Approved Plans

2. The development hereby granted shall be carried out strictly in accordance with the application form dated 3 February 2020 email dated 6 July 2020 and the following details and plans hereby approved:

- i) Finish floor level proposed change schedule dated 21 October 2021.
- ii) Site plan 317/02 (02) 003 Rev C dated 21 October 2021.
- iii) Trial pit trench locations dated 3 December 2021.
- iv) Site investigation report dated 3 December 2021.

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

Before the Development is commenced

3. The development shall not commence until visibility splays providing clear visibility of 90 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interests of highway safety.

Pre-Occupancy or Other Stage Conditions

4. No dwellings shall be occupied until the estate road including footways and cycle ways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason: In the interests of highway safety.

Ongoing Conditions

5. The gradient of the access road shall be no steeper than 1 in 20 for a distance not less than 15m as measured from the carriageway edge of the adjacent highway.

Reason: In the interests of highway safety.

6. Footways shall be provided that link continuously and conveniently to the nearest existing footway. Pedestrian paths within and to and from the site shall be provided that are convenient to use.

Reason: To ensure a minimum standard of footpath provision is made within the site.

Pla/188/05/22 Planning Application No: 21/1092 Reserved Matters for appearance, landscaping, layout and scale pursuant to Outline Planning Permission 19/0636 for use classes B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) Land South-west of Mile Lane, Redhills, Penrith, CA11 0DT Willan and Lund Holdings Limited

Members received a presentation from Mr Addis, the agent, in support of the application.

Members raised the following queries:

- The lack of consideration of ENV 5 in the report
- The feasibility of adding a condition requiring solar PV.

Proposed by Councillor Lynch that the application be granted subject to the following conditions:

Approved Plans

1. The development hereby granted shall be carried out strictly in accordance with the application form dated 16 December 2021 and the following details and plans hereby approved:
 - i) Existing site plan dated 17 December 2021;
 - ii) Plant plan dated 17 December 2021;
 - iii) Plant specification dated 17 December 2021;
 - iv) Proposed elevations dated 17 December 2021;
 - v) Proposed floor plans dated 17 December 2021;
 - vi) Proposed site plan dated 17 December 2021;
 - vii) Tree survey dated 17 December 2021;
 - viii) Trees and landscape survey dated 17 December 2021;

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

Prior to commencement

2. Prior to the commencement of the construction of the hereby approved building, samples of external finishes for walls, roofs, windows, doors and hard surfaces shall be submitted to the Local Planning Authority for written approval. Once approved, these materials shall be utilised in the construction of the site.

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

3. Prior to the commencement of development details for the secure parking of bicycles shall be submitted to the Local Planning Authority for approval. Once approved, these facilities shall be installed prior to the first occupation of the building approved and retained thereafter.

Reason: To ensure that the site is accessible by means other than the private motor vehicle.

Seconded by Councillor Chambers

For: 4
Against: 6
Abstain: 0

The motion therefore FALLS.

Proposed by Councillor Eyles
Seconded by Councillor Ross

and **RESOLVED** that the application be REFUSED due to the application not demonstrating compliance with Policy ENV 5 of the Local Plan.

Pla/189/05/22 Quarter 4/Annual Planning Performance Report - 2021/22

Members considered Report No: DCE32/22 of the Assistant Director Development which sought to provide Members with an annual overview of the ongoing performance of the Council's Planning Development Management Service in relation to Key Performance Indicators and Planning Enforcement matters.

Members raised the following points:

- That they would like to see more applications come to Committee to relieve any backlog.
- That they would like more clarity on the impacts of nutrient neutrality on the Committee's work.

RESOLVED that the report be noted.

Pla/190/05/22 Confirmation of Site Visits (if any)

No site visits were confirmed.

Pla/191/05/22 Any Other Items which the Chairman decides are urgent

No items of urgent business were raised by the Chair.

Pla/192/05/22 Date of Next Meeting

The date of the next scheduled meeting of the Committee was held on the 16 June 2022.

The meeting closed at 10.36 am

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