

Eden District Council

Planning Committee Minutes

Date: 15 September 2022 Venue: The Council Chamber, Town Hall, Corney Place, Penrith, CA11 7QF Time: 9.30 am

Present:

Chair: Councillor W Patterson

Vice Chair: Councillor D Wicks

Councillors: M Eyles A Ross
M Hanley H Sawrey-Cookson
D Holden G Simpkins

Officers Present: Rebecca Harrison, Legal Services Manager
Jill Shingler, Interim Planning Services Development Manager

Democratic Services Officer: Lewis Powell

Pla/34/09/22 Apologies for Absence

Apologies for absence were received from Councillors Martin, Chambers, and Lynch.

Pla/35/09/22 Minutes

Proposed by Councillor Eyles

Seconded by Councillor Ross

and **RESOLVED** that the public minutes Pla/23/08/22 to Pla/33/08/22 of the meeting of this Committee held on 18 August 2022 be confirmed and signed by the Chair as a correct record of those proceedings.

Pla/36/09/22 Declarations of Interest

No declarations of interest were made.

Pla/37/09/22 Planning Issues

A member queried application 22/0487 on the Applications Determined under Officer Delegated Powers for the Month of August and asked what Sui Generis meant in relation to this.

The Interim Development Manager responded that this refers to a use type that is not within any specific Use Class within the Use Classes Order.

RESOLVED that the attached lists of the Assistant Director Development:

- a) Applications determined under office delegated powers for the month of August 2022; and
- b) Reasons for refusal on delegated decisions for the month of August 2022 be noted.

Pla/38/09/22 Planning Issues - Applications for Debate (Green Papers)

There were no applications for debate to be heard at this Committee.

Pla/39/09/22 Confirmation of Site Visits (if any)

There were no site visits confirmed at this meeting.

Pla/40/09/22 Any Other Items which the Chair decides are urgent

The Interim Planning Development Manager provided an update on several items requested by Members. Below is a summary of the update and any questions and responses given.

Great Musgrave Bridge:

The Interim Planning Development Manager explained that the enforcement notice had been issued. The applicant had been provided with twelve months to remove the infill.

Update on Housing Developments:

The Interim Planning Development Manager firstly provided an update on the Persimmon Homes development at Carleton Heights. She mentioned that when outline permission was granted a bus route was to be in place by the time 251 dwellings were occupied. An application to vary this was requested to move this to 360 dwellings. This was refused. Since then a review of the proposal for a bus route has taken place. This had been delayed due to a travel plan monitoring review undertaken by the developer to ascertain the level of interest for the bus service.

A member asked how many homes on this development had already been built and where are we in relation to the 360 dwellings. They also commented that the dialogue with developers had proven fruitless and that they felt that a warning should be appropriate.

The Interim Planning Development Manager stated that a further updates will be provided.

A Member stated that they believed that travel planning for these developments should be considered earlier on in the process, and that it should be there ready on day one.

A Member queried on the monitoring agreement lasting for 5 years, and queried when will this time period start.

The Legal Services Manager responded that it was by way of condition rather than by an s106 agreement so it was started when the decision notice was issued.

The Planning Services Manager also provided an update on the Raiselands Farm development and the enforcement investigations occurring mainly due to works happening outside of the authorised hours of working. A breach of condition notice had been served.

A Member commented that on enforcement notices and asked what exactly happens in this process – how strict is the enforcement?

The Planning Services Manager commented that prosecution was a possible action arising out of enforcement. She also commented that there was an escalating scale of fines

The Legal Services Manager commented that the enforcement action undertaken varies on the nature of the breach and the impact that it is currently having, it is not a one size fits all approach.

A Member commented on individuals who have been denied planning permission in regards to a listing building, continued with the works, and then applied for retrospective planning permission. They commented when enforcement kicks in on this.

The Interim Planning Services Manager commented that once a decision has been made enforcement will then be sought.

A Member raised that they were disappointed that there were no green papers, they noted that Allerdale and Carlisle were approving applications subject to mitigation. They also queried what the current staffing situation of the Planning Services Department.

The Interim Planning Services Development Manager commented that nutrient neutrality will have an impact on what is feeding through to Committee.

A Member queried what it is like currently on the ground in the Planning Services Department.

The Interim Planning Services Development manager commented that they are currently understaffed of two positions. They require a Principal Planning Officer and an officer to deal with pre-applications.

A Member commented that the PAS review, which recommended an officer to deal with pre-applications, concluded a significant amount of time ago. She further commented that it was disappointing to see that the recommendations were only now being dealt with.

A Member queried how many current applications were in the system and asked for a summary on where we currently stand, how many are old applications and how many were new.

A Member asked how we stand legally in regards to the impact on the determination of planning applications due to nutrient neutrality, when the Local Authority needs to determine smaller applications in 8 weeks and larger ones in 13 weeks.

The Legal Services Manager commented that the Planning Team can consider applications to a point. We can't pass planning applications without being satisfied, as the competent authority, that we're being compliant with the regulations. It is not advised to put in writing that we would be inclined to grant permission as the situation down the line could be materially different.

A Member queried what the way forward with dealing with nutrient neutrality, they asked if this would involve employing someone else to gain expertise to deal with this.

The Interim Planning Services Development Manager responded that this potentially could be a way forward but expertise is not the only issue here.

A Member commented that it appeared that there was lots of violations of planning regulations and no enforcement happening by the Council.

The Legal Services Manager responded that there is lots of activity that the legal team support planning with and action is taken. She responded that they are ultimately reliant on people to report violations.

A Member responded that they initially begrudgingly came to the meeting as there was no green papers, however they felt that the discussion and updates provided had been useful.

They requested an update on Omega Proteins and the outstanding applications outside and around that site as it had garnered significant public interest, also of any breaches of condition.

A Member enquired about enforcement and if the Planning Department informs residents of the outcome of any investigation. They also asked that they could receive a weekly update of enforcement action so they could report back to the residents.

The Interim Planning Services Development Manager responded that the enforcement team do notify complainants of the outcome of an investigation once it is complete. However they have a large workload, and she doesn't want to commit them having to provide weekly updates on them all as it would take up all their time. She commented that the Member can always ring enforcement to request an update.

A Member questioned if there was a mechanism in terms of feeding back to the secretary of state in the difficulties of implementing the nutrient neutrality regulations

The Interim Planning Services Manager commented that other authorities had already done it in the past, she thought there was little to be gained by attempting this.

Letter to Parish Councils:

The Chair read the letter which the Committee had previously resolved to be circulated to all Parish and Town Council's regarding speaking at Committee. He then opened the floor to any comments.

One Member stated that they had a handout of material/ non-material planning considerations which they thought would be a good inclusion into the letter.

A Member requested information on the work of the S106 Task and Finish Group, the Chair of the Task and Finish Group was a Member of the Planning Committee so she provided a verbal update on the work of the Group. She said when the group started their work it was evident there wasn't a complete record of the details of the 106 agreements, had to go back through the land registry to look for all the details. This position went to the Cabinet and the

need for a full time 106 monitoring officer was expressed. A detailed structure for the monitoring of the s106 agreements.

Other Queries:

A Member queried the provision of a village hall and other facilities for the Persimmon Homes development and asked if this was an agreement by condition or a 106 agreement. He stated that there was no trigger points for these, just said they would be provided.

The Legal Services Manager responded that this could be further looked into.

Pla/41/09/22 Date of Next Meeting

The date of the next scheduled meeting was confirmed as being the 20 October 2022.

The meeting closed at 10.45 am

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