

Eden District Council

Planning Committee Minutes

Date: 20 October 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: I Chambers A Ross
M Eyles H Sawrey-Cookson
D Holden G Simpkins
E Martin P G Baker

Officers Present: Lisa Tremble, Assistant Director Legal and Democratic Services
Jill Shingler, Interim Planning Services Development Manager
John Hiscox, Planning Officer
Christina Ward, Solicitor
Mat Wilson, Planning Officer
Caroline Zalkind, Planning Officer

Democratic Services Officer: Lewis Powell

Pla/42/10/22 Apologies for Absence

Apologies for absence were received from Councillor Hanley.

Pla/43/10/22 Minutes

Proposed by Councillor Ross

Seconded by Councillor Eyles

and **RESOLVED** that the public minutes Pla/34/09/22 to Pla/41/09/22 of the meeting of this Committee held on 15 September 2022 be confirmed and signed by the Chairman as a correct record of those proceedings.

Pla/44/10/22 Declarations of Interest

Councillor Eyles declared in relation to application 22/0589 that he had previously been on a tour of the plant whilst deputising for a ward member. He is also the ward councillor for this area in the Shadow Westmorland and Furness Council. This would not impact his judgement.

Pla/45/10/22 Appeal Decision Letters

Members considered report DCE48/22 of the Assistant Director Development which detailed decision letters received since the last meeting.

Application Number(s)	Applicant	Appeal Decision
21/0666	<p>Mr Tom Mearns</p> <p>The Turks Head Inn, Market Place, Alston, Cumbria, CA9 3HS</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 to replace 4 windows at the front of the property which are too worn to repair (first and second floor).</p>	The appeal is dismissed.

RESOLVED that the report be noted.

Pla/46/10/22 Planning Issues

A Member queried application 19/0517 on the delegated powers report and asked what the status of this application is as it was missing a decision.

The Interim Planning Services Manager said this would be looked into and an answer provided.

RESOLVED that the attached lists of the Assistant Director Development:

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

Pla/47/10/22 Planning Issues - Applications for Debate (Green Papers)

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

RESOLVED that:

1. the following applications for planning permissions ("those applications") are determined as indicated hereunder;

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

Pla/48/10/22 Planning Application No: 22/0335 Proposed alterations and extension 2 Sunny Bank, Icold Road, Greystoke Ms McDowell

Members received a presentation from Councillor Roy Fisher, on behalf of Greystoke Parish Council, in objection to the application.

Members received a presentation from Graham Norman, the applicant's agent, in support of the application.

A Member queried the distance from the ground bedroom window to the primary school.

The Planning Officer responded that it was slightly less than 25m.

Proposed by Councillor Eyles
Seconded by Councillor Chambers

and **RESOLVED** that planning permission be granted subject to the following conditions:

Time Limit for Commencement

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

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

- i) Application Form received
- ii) Location Plan (122-109-01) received 29 April 2022
- iii) As Proposed Plan and Elevations (122-109-04D) received 8 September 2022
- iv) As Proposed Plan and Elevations (122-109-05D) received 8 September 2022

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

Ongoing Conditions

3. Construction works shall be carried out only between 0800 – 1800 hours Mondays – Fridays; 0900 – 1300 hours on Saturdays and there shall be no activity on Sundays and Bank Holidays.

Reason: To safeguard the amenity of residents living nearby.

Pla/49/10/22 Planning Application 22/0573 Alterations to farmhouse to include replacement of bothy with single storey extension, addition of car port and rear balcony and alterations to window fenestration. Re-submission of approval 21/0461 Town End, Penruddock, Penrith Mr and Mrs Carroll

Members received a presentation from Peter Carroll, the applicant, in support of the application.

Members asked for clarification on the location of a number of aspects of the development, such as the carport and balcony. The Interim Planning Development Manager demonstrated where these were situated on the map.

Proposed by Councillor Wicks
Seconded by Councillor Baker

and **RESOLVED** that planning permission be granted subject to the following conditions:

Time Limit for Commencement

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

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

- i) Application form received 25 July 2022
- ii) Site plan, drawing no. 09 Rev B received 15 September 2022
- iii) Proposed ground floor plan, drawing no. 03 Rev D received 25 July 2022
- iv) Proposed first floor plan and north and south elevations, drawing no 04 Rev E received 25 July 2022
- v) Proposed east and west elevations, drawing no. 07 Rev C received 25 July 2022

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

Pre-occupancy or other stage conditions

3. Construction works shall be carried out only between 0800 – 1730 hours Mondays – Fridays; 0800 – 12.30 hours on Saturdays and there shall be no activity on Sundays and Bank Holidays.

Reason: To safeguard the amenity of residents living nearby.

Pla/50/10/22 Planning Application No: 22/0589 Construction of Bio Filter structure Omega Proteins, Greystoke Road, Penrith Omega Proteins Ltd

Members received a presentation from Jeff Thomson, an objector, speaking in objection to the application.

A Member commented that this proposed development was necessary to enable existing development to operate without any issues. They queried why this had not been dealt with as part of the original application.

The Interim Planning Development Manager commented that the applications shouldn't be looked at in that way, the previous application was considered acceptable on its own merits.

A Member queried how this development helps remove odours.

The Interim Planning Development Manager commented that the odours in the building are extracted and are taken to the filter bed, the level of odour is then reduced through the filter.

Proposed by Councillor Eyles
Seconded by Councillor Wicks

and **RESOLVED** that planning permission be granted subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- Planning Statement ref F240.ZM dated 28 July 2022
- Location Plan ref 1943-22-117 rev D dated June 22
- Proposed Plans and Elevations ref 1943-22-118 dated June 22

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

3. The landscaping bund shall be planted up with a mix of shrubs and native trees within one year of the decision date. Any trees or shrubs which die or are removed within the first five years shall be replaced during the next appropriate

planting season.

Reason: In the interests of securing the benefits of the bund which are to improve the visual appearance of the area.

Pla/51/10/22 Tree Preservation Order No: 216, 2022 Land East of Stayngarth, Stainton

A Member queried the size of the cut to the tree and asked how a Planning Officer was not aware of this to begin with.

The Planning Officer advised that the works undertaken were not in breach of planning when they were carried out.

A Member queried if the Planning Officer agreed that the tree was more likely to die now.

The Planning Officer responded that tree has a chance of living, it would need to be monitored year by year, and he also added that this shouldn't deter Members from granting the order as to remove it now is premature.

A Member queried at what stage of the planning process is the TPO considered.

The Planning Officer responded that the TPO is considered at any point in the Planning process, it is better considered earlier.

A Member queried if it was possible to incorporate consideration of TPO's at the outline stage.

The Planning Officer responded that this would need to be drawn into policy.

A Member noted that he hoped that post-vesting day Westmorland and Furness Council would ensure that observations and suggestions like this are carried forward.

A Member sought a commitment that should need arise compensatory measures should be sought.

The Planning Officer agreed that compensation may be required, the TPO will help us to do this in the strongest terms, in the short term the tree can be maintained.

A Member compared the situation to shutting the stable door when the horse has already bolted, they also queried who will monitor the viability of the tree after the fact.

The Planning Officer responded that going forward if Atkinson Homes felt that the tree needs special measures this will need to be agreed between themselves and the buyers. They would have to utilise arbiocultural consultants on this.

A Member asked once the House is finished where ownership of the tree will sit.

A representative from Atkinson Homes confirmed that they own the tree.

Proposed by Councillor Eyles

Seconded by Councillor Ross

and **RESOLVED** that the Order No TPO216, Land East of Stayngarth, Stainton, is CONFIRMED without modification.

Pla/52/10/22 Confirmation of Site Visits (if any)

No site visits were confirmed.

Pla/53/10/22 Any Other Items which the Chair decides are urgent

A member queried application no: 19/0517 in the delegated powers report. This relates to an application to modify an s106 agreement, which would reduce the number of affordable housing allocation from 7 to 2. The Member pointed out that there might be some confusion over this as the site has changed hands several times. It was queried why this did not go to Committee and what the status of this was, as there was no responses from statutory consultees.

The Interim Planning Services Development Manager responded that the modification of s106 agreements are a delegated matter.

The Chair responded that the officers will look into this further and circulate a response.

Pla/54/10/22 Date of Next Meeting

The date of the next scheduled meeting will be confirmed as 17 November 2022.

The meeting closed at 11.23 am

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