

Date: 11 May 2022



Eden

District Council

Town Hall, Penrith, Cumbria CA11 7QF

Tel: 01768 817817

Email: ctee.admin@eden.gov.uk

Dear Sir/Madam

Planning Committee Agenda - 19 May 2022

Notice is hereby given that a meeting of the Planning Committee will be held at 9.30 am on Thursday, 19 May 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 Pla/170/04/22 to Pla/180/04/22 of the meeting of this Committee held on 21 April 22 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 - 8)

To receive report DCE33/22 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
21/0687	Lowther Estate Trust Shed at Yanwath Hall, Penrith, CA10 2LF The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure	The appeal is allowed.

	<p>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>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>	
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5 Planning Issues (Pages 9 - 20)

To note the attached lists of the Assistant Director Development.

- a) Applications determined under officer delegated powers for the month of April 2022
- b) Reasons for refusal and requirement of prior approval on delegated decisions for the month of April 2022

6 Planning Issues - Applications for Debate (Green Papers) (Pages 21 - 40)

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

Item No	Application Details	Officer Recommendation	Page Number
1	<p>Planning Application No: 21/0949</p> <p>Variation of condition 1 (plans compliance) to include amended site layout plan with amended ground levels, attached to approval 20/0078</p> <p>Land west of Sockbridge, Thorpefield</p> <p>Stoneswood Developments Ltd</p>	<p>Recommended to:</p> <p>APPROVE Subject to Conditions</p>	23-31

2	<p>Planning Application No: 21/1092</p> <p>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)</p> <p>Land South-west of Mile Lane, Redhills, Penrith, CA11 0DT</p> <p>Willan and Lund Holdings Limited</p>	<p>Recommended to:</p> <p>APPROVE Subject to Conditions</p>	<p>32-39</p>
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7 Quarter 4/Annual Planning Performance Report - 2021/22 (Pages 41 - 46)

To consider Report No: DCE32/22 of the Assistant Director Development which seeks 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.

RECOMMENDATION: That the report be noted.

8 Confirmation of Site Visits (if any)

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

9 Any Other Items which the Chairman decides are urgent

10 Date of Next Meeting

The date of the next scheduled meeting be confirmed as 16 June 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

S Lancaster, Independent 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: DCE33/22

Eden District Council**Planning Committee
19 May 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
21/0687	<p>Lowther Estate Trust Shed at Yanwath Hall, Penrith, CA10 2LF</p> <p>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>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.

Fergus McMorrow
Assistant Director Development



Appeal Decision

Site visit made on 18 January 2022

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27/04/2022

Appeal Ref: APP/H0928/W/21/3283939

Shed at Yanwath Hall, Penrith CA10 2LF

- 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).
 - The appeal is made by Lowther Estate Trust against the decision of Eden District Council.
 - The application Ref 21/0687, is dated 22 July 2021.
 - 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.
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Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for 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 at Shed at Yanwath Hall, Penrith CA10 2LF in accordance with the application 21/0687 made on 22 July 2021, and the details submitted with it including: As Existing Location + Block Plan Drawing no. 120-121-01 B; As Proposed Block Plan Drawing no. 120-121-07; As Proposed Floor Plan Drawing no. 120-121-08; As Proposed Elevations Drawing no. 120-121-09; As Proposed External Wall Detail Drawing NO. 120-121-SK4; As Proposed Roof/Ceiling Detail Drawing no. 120-121-SK5; As Proposed Floor Detail Drawing No. 120-121-SK6.

Preliminary Matters

2. Class Q of Schedule 2, Part 3 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (GPDO) permits the change of use of a building from use as an agricultural building to use as a dwelling together with building operations reasonably necessary to convert the building

to a dwelling. Paragraph Q.1 of the GPDO sets out circumstances when development is not permitted, and paragraph Q.2 lists a number of conditions including that before beginning the development an application must be made to the local planning authority for a determination as to whether prior approval will be required relating to a number of matters.

3. Although the Council acknowledges that it failed to make a determination on the application within the prescribed period, it nevertheless considers that the proposed development is not permitted development due to concerns regarding the alterations proposed to the building. The appellant contests this position stating that the works proposed are reasonably necessary to convert the building into four dwellings. However, although there is a dispute between the parties regarding whether the proposal is permitted development, as this **appeal relates to the Council's failure to make** a determination on the prior approval application, whether or not the proposal is permitted development is not a matter for me to consider when determining this appeal which solely relates to the prior approval process.

Main Issue

4. Having regard to the relevant requirements of Class Q and paragraph W of the GPDO, the main issue is whether prior approval is deemed to be granted.

Reasons

5. Part 11, paragraph W of the GPDO states that development must not begin before the occurrence of one of the listed events, one of which is the expiry of 56 days from the date of receipt of the application by the local planning authority without it notifying the applicant as to whether prior approval is given or refused.
6. As stated, the Council acknowledges that it failed to notify the appellant as to whether prior approval was given or refused within 56 days of it receiving the application and that such failure means that it is not now able to require prior approval for the matters listed in paragraph Q.2(1).
7. Under the circumstances and having regard to Part 11, paragraph W of the **GPDO, the Council's acknowledged failure to determine the application means** that prior approval is deemed to be granted. However, notwithstanding this and as stated above, the development could only lawfully proceed if it is in accordance with the submitted plans and is in fact permitted development having regard to the relevant conditions and limitations imposed on the planning permission granted by the GPDO. The nature of the appeal means that this is not a matter to be considered by me in the determination of this appeal.

Conclusion

8. For the above reasons and having regard to all matters raised, I conclude that the failure of the Council to make a determination on the application within the prescribed period means that prior approval is deemed to be granted.

C Coyne

INSPECTOR

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PLANNING COMMITTEE

Agenda Item No.

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

App No	App Type	Parish	Description	Location	Applicant	Decision
21/0445	Full Application	Kirkoswald	Conversion of barn buildings into 1no dwelling with annexe.	RAVENWOOD COTTAGE, RENWICK, PENRITH, CA10 1JL	Mr P Wightman	APPROVED
21/0575	Full Application	Dacre	Change of use of agricultural land to domestic garden and erection of detached garden building.	BANK HOUSE, NEWBIGGIN, PENRITH, CA11 0HS	Mr C Benn	REFUSED
21/0617	Full Application	Crackenthorpe	Change of use of land to form additional domestic garden and creation of access, part retrospective.	ROSE COTTAGE, CRACKENTHORPE, APPLEBY-IN- WESTMORLAND, CA16 6AF	Mr D Hall	APPROVED
21/0787	Listed Building	Kirkby Stephen	Listed Building Consent to block up internal door.	NEWSAGENTS, MARKET SQUARE, KIRKBY STEPHEN, CA17 4QT	Mr Thomas Perkin	APPROVED
21/0802	Outline Application	Great Salkeld	Outline application for residential development with all matters reserved. Re-submission of 20/0837.	LAND AT MATTINSON HOUSE, GREAT SALKELD, PENRITH, CA11 9NA	Mr & Mrs M Robinson	REFUSED
21/0812	Full Application	Orton	Creation of three additional parking areas.	TEBAY NORTH SERVICE AREA, ORTON, PENRITH, CA10 3SB	Westmorland Ltd - Mr J France	APPROVED
21/0888	Full Application	Kirkby Stephen	Proposed change of use of redundant steel portal kennel building to create a farm shop/cafe with external seating and play area.	SANDWATH FARM, KIRKBY STEPHEN, CA17 4HE	Mr and Mrs R Owen	APPROVED
21/1042	Var/Removal of S106	Catterlen	Removal of S106 attached to lapsed planning approval 11/0905.	LAND BETWEEN PARK VIEW AND JOINERS BROW, CATTERLEN, PENRITH, CA11 0BQ	Mr I Dalton	APPROVED
21/1051	Full Application	Appleby	Proposed open sided yard building.	BARROWMOOR FARM, COLBY, APPLEBY-IN-WESTMORLAND, CA16 6BD	Messrs W P Williamson	APPROVED
21/1075	Full Application	Kirkby Stephen	Creation of separate dwelling.	HALLS NEWSAGENTS, MARKET SQUARE, KIRKBY STEPHEN, CA17 4QT	Mr T Perkin	APPROVED
21/1078	Full Application	Tebay	Extension of existing petrol forecourt shop including construction of new store room. Replacement of existing roofing sheets and demolition of existing stand alone office to allow square layout of fuel pumps.	Westmorland Limited, JUNCTION 38 MOTORWAY SERVICES, OLD TEBAY, PENRITH, CA10 3SS	Westmorland Limited - Mr J France	APPROVED
21/1091	Reserved by Cond	Temple Sowerby	Discharge of conditions 3 (level 3 survey) and 4 (ecology), attached to approval 21/0620.	WEST VIEW, TEMPLE SOWERBY, PENRITH, CA10 1SB	Mr A Rouse	APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
22/0046	Full Application	Kirkby Stephen	Change of use from storage to commercial Class E, insertion of new window into front elevation, construction of new access to rear garden area.	WAREHOUSE AND PREMISES, ROYAL ARCADE MARKET STREET, KIRKBY STEPHEN, CA17 4QP	McWhirter / Mssrs McWhirter	APPROVED
22/0070	Full Application	Penrith	Replacement of existing attached flat roofed garage with two storey side extension and associated internal alterations.	11 ALDER ROAD, PENRITH, CA11 8TT	Mrs Fletcher	APPROVED
22/0077	Householder PD/PN	Kirkby Stephen	Proposed side extension.	WELLFIELD FARM HOUSE, APPLEBY ROAD, KIRKBY STEPHEN, CA17 4PE	Mr N Lee-Shields & Ms J Atkinson	APPROVED
22/0080	Cert. of Lawful	Greystoke	Certificate of lawfulness for the continued use of Peg Top Flat as an independent residential property.	PEG TOP FLAT, GREYSTOKE CASTLE STABLE, GREYSTOKE, PENRITH, CA11 0TG	Mr N Howard	APPROVED
22/0084	Full Application	Hesket	Proposed extension to existing cottage.	THE OLD LODGE, BROADFIELD, SOUTHWAITE, CA4 0LR	Mr John Sheffield	APPROVED
22/0089	Reserved by Cond	Lazonby	Discharge of conditions 3 (surface water drainage scheme) and 4 (construction management plan), attached to approval 21/0583.	LAND SOUTH WEST OF BANK TOP, LAZONBY, PENRITH,	F Scott Homes	APPROVED
22/0090	Full Application	Alston	Variation of conditions 3 (occupation period), 5 (holiday letting) and 7 (second residence) to allow for a longer open season for up to 34 static caravans, attached to approval 08/0180. Re-submission of 21/0376.	HORSE AND WAGON CARAVAN PARK, NENTSBURY, ALSTON, CA9 3LH	G Miller	REFUSED
22/0091	Notice of	Stainmore	Permitted Development Prior Notification to roof over midden.	NEW HALL FARM, BARRAS, KIRKBY STEPHEN, CA17 4JD	Mr M Barrow	APPROVED
22/0092	Notice of	Stainmore	Permitted Development Prior Notification to roof over existing storage area.	NEW HALL FARM, BARRAS, KIRKBY STEPHEN, CA17 4JD	Mr J Beckwith	APPROVED
22/0100	Cert. of Lawful	Newbiggin	Certificate of lawfulness for the continued use of existing stables situated within the curtilage of the dwelling, for purposes incidental to the enjoyment of the dwelling house and for personal domestic use.	TANGLEWOOD, NEWBIGGIN, TEMPLE SOWERBY, PENRITH, CA10 1TA	Mr Adrian Sharpe	APPROVED
22/0101	Tree Works (CA)	Great Salkeld	Fell Silver Birch (SB1) in Conservation Area.	4 GRAYSON DRIVE, GREAT SALKELD, PENRITH, CA11 9NY	Mrs Jill Stewart	APPROVED
22/0104	Full Application	Brough Sowerby	Erection of slurry store.	HOLLINS VIEW FARM, BROUGH SOWERBY, KIRKBY STEPHEN, CA17 4DF	Mr Mark Scott	APPROVED
22/0109	Full Application	Sockbridge & Tirril	Single storey double garage.	1 GOSLING TERRACE, YANWATH, PENRITH, CA10 2FH	Mr Martin Heath	APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
22/0110	Listed Building	Lazonby	Listed Building Consent for the replacement of cement render with lime render.	WILLOW BARN, LOW PLAINS COURT, CALTHWAITE, PENRITH, CA11 9RQ	Mr Hamish Murray	APPROVED
22/0115	Cert. of Lawful	Bandleside	Certificate of lawfulness for the continued use as C2 Residential Institution.	OLD METHODIST CHAPEL, GREAT ASBY, APPLEBY-IN-WESTMORLAND, CA16 6ES	Addis Town Planning Ltd - Mr D Addis	APPROVED
22/0118	Cert. of Lawful	Hesket	Certificate of lawfulness for the continued use as C2 Residential Institution.	THACKMOOR, HIGH HESKET, CARLISLE, CA4 0JE	Addis Town Planning Ltd - Mr D Addis	APPROVED
22/0126	Full Application	Appleby	Reinstate two storey rear extension and associated alterations.	13 DOOMGATE, APPLEBY-IN-WESTMORLAND, CA16 6RB	Mr R Thompson - K & A Thompson	APPROVED
22/0127	Full Application	Penrith	Proposed two storey side extension and single storey front extension.	21 FRENCHFIELD GARDENS, PENRITH, CA11 8TX	Mr L Hindson	APPROVED
22/0130	Full Application	Shap	Two storey side extension with first floor rear balcony extension.	SPAR COTTAGE, MAIN STREET, SHAP, PENRITH, CA10 3NU	Mr & Mrs E & S Sanderson	APPROVED
22/0133	Full Application	Kirkby Thore	Proposed oak frame garage with slated roof - Horizontal cladding exterior finish.	HALE HOUSE, KIRKBY THORE, PENRITH, CA10 1XS	Mr and Mrs A Baker	APPROVED
22/0135	Full Application	Little Strickland	Proposed roof over existing midden.	THRIMBY HALL, THRIMBY, PENRITH, CA10 3DZ	Thrimby Farms LTD - Mr Matthew Blair	APPROVED
22/0136	Full Application	Penrith	Replacement of existing rear extension with single story rear and side extension and pitch roof over existing garage and porch.	37 HOLME RIGGS AVENUE, PENRITH, CA11 8NL	Mr Colin Huschka	APPROVED
22/0139	Reserved by Cond	Hunsonby	Discharge of conditions 3 (landscaping) and 5 (surface water drainage), attached to approval 21/0821.	Thompsons Board Mills Ltd, WORKSHOP AND PREMISES, LITTLE SALKELD, PENRITH, CA10 1NJ	Mr Montgomery	APPROVED
22/0143	Tree Works (TPO)	Alston	T1 - Ash, remove. T2 - Ash, Remove.	MARK CLOSE, ALSTON, CA9 3BD	Mrs Emily Jones	APPROVED
22/0144	Non-Material Amend	Penrith	Non Material Amendment to update house type plans, attached to approval 20/0501.	LAND OFF CARLETON ROAD, PENRITH, CA11 8RU	Mrs Jennie Taylor - Story Holmes	APPROVED
22/0146	Full Application	Penrith	Replacement of existing side garage and rear sunroom with single storey side and rear extensions.	HILL CREST, FELL LANE, PENRITH, CA11 8BJ	Mr and Mrs John Unsworth	APPROVED
22/0149	Full Application	Melmerby	Construct a steel portal frame roof over an existing silage pit.	MELMERBY MILL, MELMERBY, CA10 1HA	Mr Trevor James	APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
22/0151	Reserved by Cond	Langwathby	Discharge of condition 6 (boundary treatments), attached to approval 19/0522.	LAND ADJACENT TO MEADOWSIDE, LANGWATHBY, CA10 1LU	Tony Young - Lattimer Group	APPROVED
22/0153	Full Application	Hesket	Erection of two storey extension.	1 SOUTHWAITE ROAD, LOW HESKET, CARLISLE, CA4 0ES	Mr Adam Gibson	APPROVED
22/0154	Tree Works (CA)	Penrith	T1 - Cypress. Remove to prevent damage to boundary retaining wall. T2 - Cherry. Reduce crown height and spread to 4m x 4m T3 - Cherry. Reduce crown spread by 1m - 2m T4 - Laburnum. Reduce height to level of street light and re-shape crown. T5 - Holly. Reduce crown height and reshape. T6 - Portuguese laurel. Reduce crown height and spread.	THOMAS LODGE, GRAHAM STREET, PENRITH, CA11 9LB	Mr Richard Griffiths	APPROVED
22/0159	Full Application	Kirkby Stephen	New driveway and pavement crossing for disabled persons.	24 WESTGARTH ROAD, KIRKBY STEPHEN, CA17 4TF	Eden District Council - B Wheatly	APPROVED
22/0160	Full Application	Warcop	Erection of multipurpose agricultural building.	FELL VIEW BUNGALOW, SANDFORD, APPLEBY-IN-WESTMORLAND, CA16 6NR	Mr Lancaster	APPROVED
22/0161	Full Application	Skelton	Single storey rear extension.	4 GLEN MEW COTTAGE, SKELTON, PENRITH, CA11 9TG	Mr A Drewry	APPROVED
22/0164	Listed Building	Hesket	Installation of an oak-framed covered outside seating area and installation of french doors.	MOORHOUSE HILL, SOUTHWAITE, CARLISLE, CA4 0EW	Mr R Burke	APPROVED
22/0167	Listed Building	Appleby	Listed Building Consent to reinstate two storey rear extension and associated alterations.	13 DOOMGATE, APPLEBY-IN-WESTMORLAND, CA16 6RB	K & A Thompson - Mr R Thompson	APPROVED
22/0169	Notice of	Greystoke	Permitted Development Prior Notification for alteration to track.	BERRIER END, BERRIER, PENRITH, CA11 0XA	Gresham House C/O John Lees	APPROVED
22/0171	Full Application	Penrith	Proposed alterations. Re-submission of 21/0822 for the introduction of solar panels and other minor amendments.	HIDCOTE, LOWTHER STREET, PENRITH, CA11 7UW	Anna Dekker	APPROVED
22/0172	Reserved by Cond	Great Salkeld	Discharge of condition 4 (surface water drainage scheme), attached to approval 19/0743.	HUNTER HALL FARM, GREAT SALKELD, PENRITH, CA11 9NA	Mr Holiday - Hunter Hall Developments	APPROVED
22/0174	Reserved by Cond	Great Salkeld	Discharge of conditions 8 (archaeology), 9 (construction vehicle parking) and 10 (foul and surface water drainage), attached to approval 21/0214.	HUNTER HALL FARM, GREAT SALKELD, PENRITH, CA11 9NA	Mr Holiday - Hunter Hall Developments	APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
22/0182	Tree Works (TPO)	Long Marton	25% Hybrid thinning / reduction.	CORNER STONES, KNOCK, APPLEBY-IN-WESTMORLAND, CA16 6DN	Mr Kevin Birkbeck	APPROVED
22/0185	Non-Material Amend	Kaber	Non Material Amendment for revised window arrangement to side extension, attached to approval 20/0986.	PENNINE VIEW, KABER, KIRKBY STEPHEN, CA17 4EF	Mr P Haygarth	APPROVED
22/0189	Tree Works (TPO)	Ainstable	Removal of Trees subject to TPO - 4x Pine.	HEATHER GLEN, AINSTABLE, CARLISLE, CA4 9QQ	Heather Glen Country House Ltd - Mr D Smith	APPROVED
22/0193	Tree Works (CA)	Penrith	Oak Tree, crown reduction removing up to 10ft length from overhanging branches and crown, no more than 20% overall growth.	32 BEACON EDGE, PENRITH, CA11 7SG	Mrs Doreen Hoffmann	APPROVED
22/0194	Full Application	Penrith	Erection of a single story rear extension and raised patio.	12 CARLETON DRIVE, PENRITH, CA11 8JP	Mr & Mrs Richard & Elaine Eldridge & Burlingham	APPROVED
22/0196	Notice of	Penrith	Permitted Development Prior Notification for an agricultural building.	MILBURN HOUSE, BOWSCAR ROAD, BOWSCAR, CA11 9NW	W Threlfell & Son - Mr Threlfell	APPROVED
22/0208	Notice of	Winton	Permitted Development Prior Notification to roof over existing silage clamp.	SOUTH VIEW, WINTON, CA17 4HS	Mr Alan Marston	APPROVED
22/0210	Cert. of Lawful	Musgrave	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.	PINFOLD COTTAGE, LITTLE MUSGRAVE, KIRKBY STEPHEN, CA17 4PQ	Addis Town Planning Ltd	APPROVED
22/0214	Tree Works (TPO)	Great Salkeld	Undertake approximate 25% reduction of crown weight in areas of outer crown beyond previous limb damage; plus reparation surgery to include removal of dead and broken stems.	3 GRAYSON DRIVE, GREAT SALKELD, PENRITH, CA11 9NY	Mr Raymond Olive	APPROVED
22/0232	Notice of	Hesket	Permitted Development Prior Notification for a proposed track.	HESKET DEMAIN, HIGH HESKET, CARLISLE, CA4 0JE	Mr Rodger Graves - JR & LM Graves & Sons	APPROVED
22/0270	Notice of	Ainstable	Permitted Development Prior Notification for an agricultural feed shed to replace existing shed.	BECK BROW, AINSTABLE, CARLISLE, CA4 9RE	Mr Paul Hetherington	APPROVED
22/0283	Non-Material Amend	Greystoke	Non Material Amendment to increase the height of stairwell window NW5, attached to approval 18/0711.	NEDS HOUSE, HUTTON ROOF, PENRITH, CA11 0XX	Mr N Walker	APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
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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: Placed Town Planning Limited - Mr C HARRIS Mansion House, Penrith, Cumbria CA11 7YG
The Brambles Tel: 01768 817817
Stainton
St Johns Road
Penrith
CA11 0EY

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

Application No: 21/0575
On Behalf Of: Mr C Benn

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 of agricultural land to domestic garden and erection of detached garden building.
Location: BANK HOUSE NEWBIGGIN PENRITH CA11 0HS

The application is REFUSED for the following reason:-

1) The proposed change of use applies to a parcel of land which is distinctly agricultural in character and forms an important visual break between the settlement of Newbiggin and the surrounding rural landscape. The proposed use could result in a significant 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 Newbiggin 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.

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: 1 April 2022

Signed:

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

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

Notice of Decision

The logo for Eden District Council features the word "Eden" in a large, elegant, serif font. A stylized, wavy line representing a river or landscape element is positioned behind the letter 'E' and extends to the left.

District Council

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

To: Mr Mark Southerton
Springfield
Gawtersyke Lane
Kirkbymoorside
YO62 6DR

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

Application No: 22/0090
On Behalf Of: G Miller

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: Variation of conditions 3 (occupation period), 5 (holiday letting) and 7 (second residence) to allow for a longer open season for up to 34 static caravans, attached to approval 08/0180. Re-submission of 21/0376.

Location: HORSE AND WAGON CARAVAN PARK NENTSBURY ALSTON
CA9 3LH

The reason(s) for this decision are:

That the application is REFUSED for the following reasons:

- 1) The application fails to accord with Policies DEV5, EC4, ENV2 and ENV3 of the Eden Local Plan 2014-32 for an increased opening period each year by virtue of its physical presence and the amount of human activity associated with it. The winter break from visitors gives the village a chance to return to a more traditional peaceful rural character. As such, it is considered that the increased use period of the caravan park proposed by the application would prolong any disturbance and nuisance caused by the operation of the site, and would have an adverse impact upon the amenity of local residents for an additional 7.5 week block in any calendar year, detracting from the quiet character of the settlement and this part of the North Pennines AONB.4
- 2) Furthermore, the removal of the second home restriction on the site could lead to the occupation of the static caravans for most of the year, making it difficult for the Council to demonstrate and enforce that the site was not the primary place of residence.


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.

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



Date of Decision: 1 April 2022

Signed:

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

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

Notice of Decision



To: PFK Planning & Development
Agricultural Hall
Skirsgill
Penrith
CA11 0DN

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: 21/0802
On Behalf Of: Mr & Mrs M Robinson

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

Application Type: Outline Application
Proposal: Outline application for residential development with all matters reserved. Re-submission of 20/0837.
Location: LAND AT MATTINSON HOUSE GREAT SALKELD PENRITH
CA11 9NA

The reasons for this decision are:

That the application is refused for the following reasons:

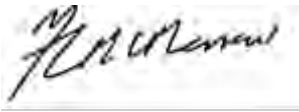
1. The proposal has failed to demonstrate that it would not have a detrimental impact on employment land provision; that the benefits arising from the new use for the locality outweigh the disadvantages caused by the loss of the employment site, or that that an employment use is not viable, as there has been no market testing. Consequently, the proposal is considered contrary to Policy EC2 of the Eden Local Plan 2014-2032.
2. The proposed development over the southern part of the site, including plots 2, 3 and 4 as shown on the indicative layout plan, which is set back behind properties, is considered to be backland development and cannot be considered as infill or rounding off. Consequently, the proposal is considered to be contrary to Policy's LS1 and HS2 of the Eden Local Plan 2014-2032.
3. The proposed development, particularly over the southern part of the site, while made in outline, has failed to demonstrate that it could positively respond to the character and function of the rural landscape contrary to Policy's DEV5 and ENV2 of the Eden Local Plan 2014 – 2032.
4. While the application is in outline only, it is supported with a indicative layout plan and planning statement that proposes the loss of Mattinson House which is a non-designated heritage asset. Without clear justification ie a structural assessment demonstrating that its retention is unviable or demonstration of clear public benefits from redevelopment sufficient to outweigh the loss of the asset and consequent harm to the

character of the conservation area, the proposed development is contrary to Policy ENV10 of the Eden Local Plan 2014-2032.

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: 4 April 2022

Signed:

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

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

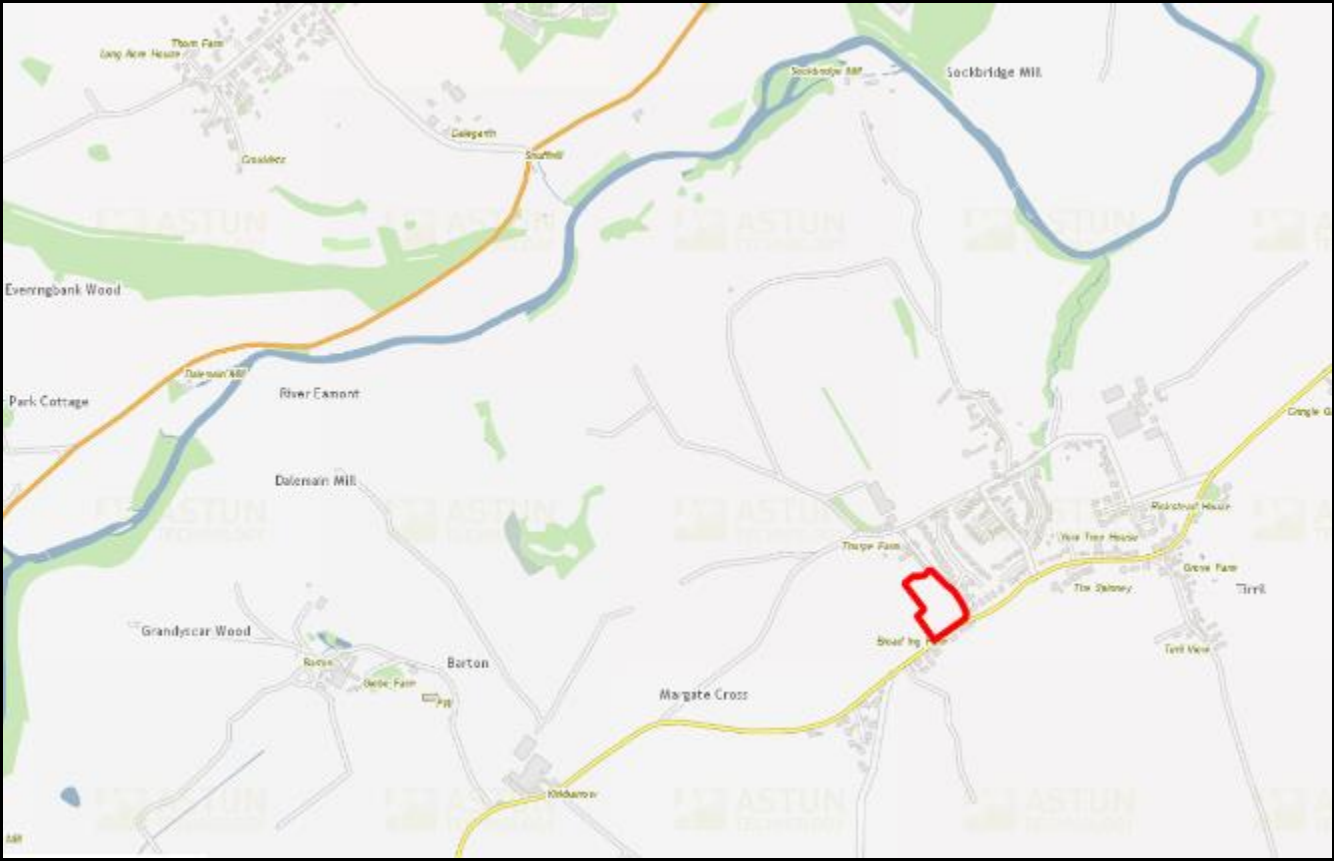
Eden District Council

Planning Committee Agenda
Committee Date: 19 May 2022

INDEX

Item No	Application Details	Officer Recommendation
1	<p>Planning Application No: 21/0949</p> <p>Variation of condition 1 (plans compliance) to include amended site layout plan with amended ground levels, attached to approval 20/0078</p> <p>Land west of Sockbridge, Thorpefield</p> <p>Stoneswood Developments Ltd</p>	<p>Recommended to:</p> <p>APPROVE</p> <p>Subject to Conditions</p>
2	<p>Planning Application No: 21/1092</p> <p>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)</p> <p>Land South-west of Mile Lane, Redhills, Penrith, CA11 0DT</p> <p>Willan and Lund Holdings Limited</p>	<p>Recommended to:</p> <p>APPROVE</p> <p>Subject to Conditions</p>

Agenda Item 1
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 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.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 This application is related to earlier grants of planning permission for this site, ref. 17/0080 and 20/0078. 17/0080 granted outline planning approval for a residential development. The subsequent reserved matters application for 24 dwellings was approved under 20/0078. Conditions pursuant to 17/0080 were approved under 20/0100.
- 2.1.2 The current application seeks to vary Condition 1 (plans compliance) of the reserved matters consent to amend the site layout and ground levels.
- 2.1.3 The variation seeks to amend the finished floor levels of some of the dwellings. This has been necessitated by ground investigation works which have revealed that the bedrock is closer to the surface than originally thought.
- 2.1.4 It has been found also that the gradient of the access road is unnecessarily shallow which has meant that some of the houses would had to have been dug into the ground to be accessed from the road, resulting in overly high retaining walls on parts of the site.
- 2.1.5 12 of the 24 plots will remain unaffected but increases in floor levels are necessary to plots, 6, 7, 8, 14, 15, 17, 18, 19, 20, 21, and 22 and a decrease is necessary to plot 16. The proposed new floor levels will work closely with, but remain lower than the existing ground level.
- 2.1.6 This application proposes to increase the overall height of eleven plots and reduce that of one. The increases in height range from approximately a half to one and a half metres. The increased heights are in three groupings; plots 6-8 a terrace in the centre of the site; plots 14 and 15 in the north-west of the site and plots 17-22 facing the south-west boundary. Plot 16 in the north western corner is reduced by a third of a metre.

2.2 Site Description

- 2.2.1 The application site is an agricultural field of approximately 1.15 hectares in size. It is located on the western edge of the village of Sockbridge and Tirril beyond Thorpe Field Road. An existing, modern housing estate is located to the east of the site, on the opposite side of the aforementioned Thorpe Field Road.
- 2.2.2 The site is bordered to the south by the B5320. To the west is further agricultural land and beyond that, approximately 330 metres from the boundary of the Lake District National Park. A public bridleway, (no. 364006) and a public footpath (no. 364007) are located approximately 150 metres north of the application site.
- 2.2.3 As has been mentioned, an existing development, Thorpefield, is located opposite the site to the East. No's 31, 32 and 33 are located here, along with no's 1, 2 and 3. To the South and also opposite the site are further residential dwellings, Greenkiln, Greenkiln Cottage and Cedar Cottage. All of these residential dwellings are located opposite the site, beyond existing highway.

REPORTS FOR DEBATE

- 2.2.4 The site is noted to be undulating, incorporating a slope that means the eastern and southern elements of the site are at a more elevated position relative to other parts of the site and neighbouring land. Currently, the site is bound by a mix of dry stone wall, post and rail fencing and intermittent hedgerow along with some trees. Much of the existing dry stone wall will be retained although some will be lost in creating the main access to the site.
- 2.2.5 The site is not located in an area subject to any ‘special’ designation in terms of landscape or heritage zones. There are no other constraints considered relevant to the determination of this application.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
CCC Highway Authority	Responded on the 23 November 2021 and raised no objection subject to the layout complying with CCC standards.
Historic England	No comment.
Natural England	Responded on the 15 November 2021M and stated they were unable to provide detailed comments.
United Utilities	Responded on the 22 November 2021. No objection to the proposed new levels.
CCC Minerals and Waste	No minerals safeguarding issues.

4. Parish Council/Meeting Response

Parish Council/Meeting	Please Tick as Appropriate			
	Object	Support	No Response	No View Expressed
Sockbridge and Tirril	✓			

- 4.1 The Parish Council objected to the application and made the following comments:
- The original detailed planning application: 20/0078 was submitted by the applicant. This included full, detailed documents drawn up by professional architects. The site plans, site sections and accompanying documentation clearly showed how the development would sit against the existing landscape and properties. There were many requests from parishioners and the Parish Council for the site sections which did not initially accompany the application.*
- This was because of the concern of the visual impact the development would have in its raised position. This, in essence, was the crux of people’s objections and as such, was a key focus for the planning officer and the Planning Committee. This application was passed. To suggest now that a mistake has been made which was not realised by the developer is both unacceptable (as a reason to request an amendment) and unprofessional.*
- The applicant has suggested that it has only recently come to light that the bedrock is closer to the surface than previously thought. This cannot be the case as ground investigation works were undertaken prior to the detailed planning application. This*

REPORTS FOR DEBATE

was to clarify the necessary work required for the foundations. Presumably the developer has a copy of this report and therefore to say that recent investigations have only just revealed this is surely misleading. The contractor who undertook the foundation investigation left approx. 20 red flags in the proposed site which indicated where he had undertaken these investigations. Clearly he dug into the whole area and therefore there was evidential knowledge about the subsurface of the site.

A drainage investigation was undertaken prior to the initial application. Interestingly this showed no evidence of bedrock and the holes went down almost 2 metres.

The developer states that one reason for the amendment is because he feels that having to dig the houses down ‘would negatively affect the visual impact of the houses when viewed from the south west’. For clarification purposes, we are at a loss as to how objectors may not use visual impact as a reason, yet a developer may. The developer is particularly concerned that the visual impact which he expected properties to have when travelling from the west has been lost, with some houses appearing ‘buried’ behind retaining walls. Site sections clearly showed this so how can it be said that it wasn’t realised at the time? Interestingly, the west side of Thorpefield’s houses nestle into the land and bedrock was dug out in order for this to happen.

In terms of FFL, the developer has approximated the overall changes to 1m across 11 plots and suggested that they are modest adjustments. The largest proposed change is 1.683m: almost 70% higher than the average adjustment. The differences between some of the agreed FFL and requested FFL are unacceptable.

The detailed planning application was undertaken by a professional team and submitted by the developer. Several investigations had been undertaken to aid this application and therefore the Parish Council cannot see why this planning application would be granted considering the process that has already been undertaken. The Parish Council objects to raising the height of the buildings because it would increase the adverse impact on the landscape.

5. Representations

5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on site. A press notice was also published.

No of Neighbours Consulted	0	No of letters of support	0
No of Representations Received	11	No of neutral representations	2
No of objection letters	9		

5.2 The following points outline the basis of the objections received:

- Increase in height will have a detrimental visual impact;
- Object to increase in height;
- Lack of due diligence by the applicant with regard to bedrock;
- Houses should be reduced in height or replaced with bungalows;
- Inadequate surface water drainage;
- Inadequate visitor parking;
- Inadequate access separation distance on B5320;
- Increase in potentially hazardous traffic along B5320;

6. Relevant Planning History

Application No	Description	Outcome
17/0080	Outline application for residential development with all matters reserved	Approved
20/0078	Reserved matters application for access, appearance, landscaping, layout and scale attached to approval ref. 17/0080	Approved
20/0100	Discharge of conditions 3 (construction method statement), 4 (carriageway, footways, footpaths, cycle ways etc.), 8 (surface water discharge), 9 (surface water drainage), 11 (parking, turning, loading and unloading of vehicles), 12 (surface water drainage - national planning practice guidance), 13 (hard and soft landscaping) and 14 (tree protection measures) attached to approval 17/0080	Approved

7. Policy Context

7.1 Development Plan

Eden Local Plan (2014-2032):

- Policy DEV1 – General; Approach to New Development
- Policy DEV5 – Design of New Development

8. Planning Assessment

8.1 Key/Main Planning Issues

- Principle of development
- Landscape and Visual Impacts
- Character and appearance of the settlement and locality
- Residential Amenity

8.2 Principle

8.2.1 This proposal seeks to vary a condition attached to the reserved matters consent 20/0078, specifically for access, appearance, landscaping, layout and scale attached to approval ref. 17/0080. That permission granted outline approval for a residential development of 25 dwellings, it was subsequently reduced to 24 dwellings at reserved matters stage.

8.2.2 Accordingly, the principle of development has been established for this site and housing is approved to be constructed upon it. A number of objectors have referred to drainage and highways matters which were considered at the outline and reserved matters stages.

8.3 Landscape and Visual Impacts

8.3.1 The Landscape and Visual Impact of the proposal was already understood by Members when Planning Committee approved the principle of the scheme. It was felt that the scheme could be accommodated in the locality without adversely affecting the

landscape. It is not considered that the minor height increases will have any noticeable impact on the overall landscape setting of Sockbridge.

8.4 Character and appearance of the settlement and locality

8.4.1 Taken as a whole the design proposed in the reserved matters was considered good and the dwellings proposed offered a variety of house types. The character of the area will alter through the implementation of the consent notwithstanding the height changes now proposed.

8.5 Residential Amenity

8.5.1 The development approved at reserved matters stage complied with Council standards relating to separation distances and it was concluded that the development could be accommodated without adversely affecting the residential amenity of existing residents in Thorpefield and Greenkiln through loss of outlook, light or loss of privacy. The main planning issue to be considered in this case is the impact that the height changes have on residential amenity.

8.5.2 A number of representations have been received which have criticised the applicants for belatedly discovering the nature of the bedrock and not undertaking due diligence. These assertions are not relevant to the determination of the application which has to be considered purely on its merits.

8.5.3 It should be stressed that the matter for consideration here relates solely to the height changes, not the heights of the dwellings themselves, which have already received consent.

8.5.4 The first point to note is that with the exception of plots 14 and 15, which abut the curtilage of a property in Thorpefield, all the other affected units lie in the centre of the site (units 6-8) or in the south-west part of the application site (Units 17-22) well away from existing properties in Thorpefield and Greenkiln. The one plot with a reduction (unit16) is also adjacent to the property in Thorpefield. Any increase in height would be very difficult to notice from these existing residences because of the distance involved and views being obscured by other new properties.

8.5.5 Secondly, most of the properties in Thorpefield and Greenkiln are bungalows with no first floor windows which could be affected by reduced outlook. Moreover, there is good boundary screening to these residences and they are separated from the application site by roads along the north-east and south-east. The applicant proposes to retain the wall and proposes additional planting around the perimeter of the site. Taken together these mitigating factors mean that any reduction in outlook by the increase in height would be minimal.

8.5.6 Finally, the increases in height should be judged against the overall scale of the houses and proportionately they are not major.

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 This is an application to vary the approval for one relatively minor element of the details of the development, rather than the development itself.

10.2 It is recognised that there are a number of objectors to this application however an objective assessment of the proposed increases in heights proposed reveals that they can be accommodated without any undue loss of residential amenity.

Fergus McMorrow
Assistant Director Development

Checked by or on behalf of the Monitoring Officer	03.05.2022
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Background Papers: Planning File 21/0949

Agenda Item 2
REPORTS FOR DEBATE

Date of Committee: 19 May 2022

Planning Application No: 21/1092 **Date Received:** 17 December 2021

OS Grid Ref: 350262 528809 **Expiry Date:** 18 March 2022

Parish: Dacre **Ward:** Dacre

Application Type: Reserved Matters

Proposal: 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)

Location: Land South-west of Mile Lane, Redhills, Penrith, CA11 0DT

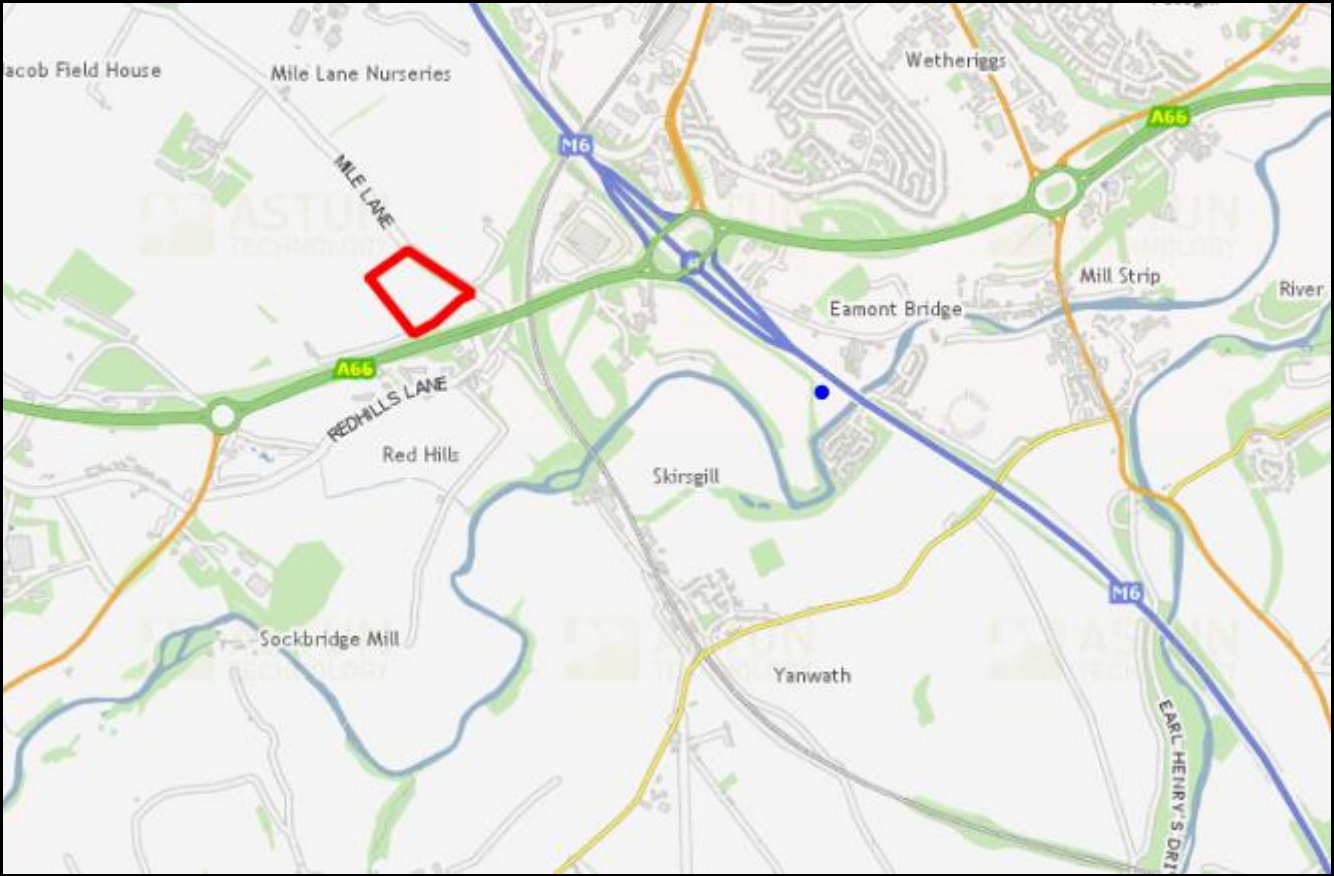
Applicant: Willan and Lund Holdings Limited

Agent: Mr Daniel Addis

Case Officer: Mr Richard Fox

Reason for Referral: The recommendation is contrary to the views of a Parish Council





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 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.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 This is an application for approval of the reserved matters for the erection of a building and associated operations including the formation of an access, part of the estate road. The application provides the reserved matters following outline approval 19/0636 which granted outline planning permission for a business park (use classes B1 (business), B2 (general industrial) and B8 (storage and distribution)), with approval for access. Accordingly, the application provides details on the four remaining reserved matters i.e., 'appearance', 'layout', 'landscaping', and 'scale'.
- 2.1.2 Planning permission is sought for the formation of part of the estate road that will serve the business park and the construction of a commercial building with associated

parking/turning. It should be emphasised that reserved matters approval is only sought for one building at this stage.

- 2.1.3 A copy of the masterplan is included with the application as 'Master Plan'. It should be noted that reserved matters are only being sought for the development as outlined on the Proposed Site Plan and that therefore for planning purposes, the 'Master Plan' drawing is effectively indicative and will not form part of the plans compliance condition of any approval.
- 2.1.4 The proposed building is a standard commercial building orientated parallel to Mile Lane and facing southwest into the business park. The elevations are shown on 'Proposed Elevations'. It measures 50.6m in length and 21m in width. It is 4.85m to the eaves and 6.3m to the ridge. The northeast elevation (facing Mile Lane) is blank with the exception of a pedestrian door. The southeast gable is blank with the exception of a pedestrian door, the southwest elevation (facing into the business park) features three roller shutter doors (entrances to units A, B and C), four pedestrian doors with adjoining windows, and the northwest elevation features a roller shutter door (entrance to unit D) and a pedestrian door. The floorplans are shown on 'Floor Plan/Roof Plan'. The floorplans show two larger units (B and C) and two smaller units (A and D). The roof plan shows no openings.
- 2.1.5 Beyond the building itself, an area of parking and turning is shown within the curtilage (west and south of the building) on the 'Proposed Site Plan' drawing. Beyond that, the area connects onto the estate road and eventually onto Mile Lane.

2.2 Site Description

- 2.2.1 The site subject of this application is located to the south-west of Mile Lane, Redhills. The site is bounded by open countryside to the north-north-west. The site is 3.3 hectares in size and is currently agricultural land.
- 2.2.2 It is bound by trees on its north-eastern boundary, all along Mile Lane with further trees on the south-western boundary between the site and the adjacent golf driving range. The site slopes from west to east, with the western boundary slope forming a natural feature to 'screen' direct views into the site from that direction which is further 'screened' by the aforementioned trees. To the south is the A66 corridor with the embankments and mature planting located upon it.
- 2.2.3 The nearest residential dwelling to the application site is the dwelling 'Nine Chimneys' which is located on the opposite side of Mile Lane, approximately 199 metres from the boundary of the application site to the north-east. 'Bell Mount' is located to the north-west, approximately 0.59 kilometres away from the nearest site boundary whilst 'Eden View' located to the west, is approximately 0.75 kilometres away. Mile Lane Nurseries, which includes a residential property is approximately 0.62 kilometres away to the north-north-west. Jacob View is approximately 0.96 kilometres to the north-west of the site.
- 2.2.4 The site is confirmed to be located within a Flood zone 1. The site is not located in an area subject to any 'special' designation in terms of landscape or heritage zones. There are no other constraints considered relevant to the determination of this application.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Cumbria County Council – Local Highways Authority	No objection
Highways England	No objection
Cumbria County Council - Lead Local Flood Authority	No objection
Environment Agency	No objection
Natural England	No comments

4. Parish Council/Meeting Response

Parish Council/Meeting	Please Tick as Appropriate			Comments
	Object	Support	No Response	
Dacre	✓			
Penrith				✓

- 4.1 Dacre Parish Council feel that with that number of buildings being developed, and the developments on the other side of the road, there are concerns about the volume of traffic that will be exiting/entrancing Mile Lane from the A66 and the implications on this already identified congested section of a trunk road (A66), and the knock-on impacts on local villages of traffic trying to avoid this issue. A full highways assessment of Mile Lane is required to ensure appropriate transport access is available without negative impacts elsewhere (e.g. the weight limit on Mile Lane needs to be reviewed).
- 4.2 Penrith Town Council. No Objection as land already has outline planning permission however PTC would like to see conditions relating to the following:
1. Both EDC and PTC have declared a climate emergency so renewable energy technologies should be incorporated into the design, including pv panels and BRE A construction methods should be used to include high levels of thermal performance.
 2. New buildings should be future proofed at the build stage as soon as possible, as retrofitting to increase standards later on would be more expensive. It is hoped that the building has been sited to optimise passive solar gain.
 3. The building should be constructed of sustainable thermally efficient building materials and include good loft and wall insulation to reduce energy consumption as far as possible. Water recycling methods should be included within the development.
 4. The site should include good inter-connectivity with the existing business parks and town and paths/tracks to promote sustainable transport and encourage cycling and walking as a way to get to work.
 5. The development should include electric vehicle charging points and cycle storage.
 6. To help climate mitigation, native trees, including fruit/nut trees) should be used to enhance greening and biodiversity within the plan area.

7. Design or landscape features should be incorporated to provide habitat for insects, nesting birds and other wildlife. Hardstanding should be porous where possible to reduce run off.

5. Relevant Planning History

Application No	Description	Outcome
93/0575	Proposed touring caravan site	Refused
98/0585	Change of use to Caravan Park	Refused
99/0503	Change of use to Caravan Park	Approved
19/0152	Outline Planning Permission for use classes B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution)	Refused
19/0636	Outline Planning Permission for use classes B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution)	Approved

6. Policy Context

6.1 Development Plan

Eden Local Plan (2014-2032):

The specific policies considered relevant in the determination of this particular application are as follows;

- Policy DEV1 – General Approach to New Development
- Policy DEV3 – Transport, Accessibility and Rights of Way
- Policy DEV5 – Design of New Development
- Policy ENV1 – Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity
- Policy ENV2 – Protection and Enhancement of Landscapes and Trees
- Policy ENV5 – Environmentally Sustainable Design

7. Planning Assessment

7.1 Key/Main Planning Issues

- Principle of development
- Landscape and Visual Impacts
- Highways/Highway Safety

7.2 Principle of development

- 7.2.1 The principle of development at this site including means of access was established by the outline consent. The only matters to be considered at this stage are the appearance, landscaping, layout and scale of the development.

7.3 Landscape and Visual Impacts

- 7.3.1 Landscaping has been informed by a tree survey included with the application. Based on the tree survey, a 'Trees and Landscape Assessment' was commissioned. The assessment looks at the existing trees, considers landscape impact and proposes works to the existing trees and new planting to soften the site and reduce impact. A 'Planting Plan' is submitted with the application which shows a masterplan for planting across the wider business park. Again, as with the architect's masterplan, the application is only seeking approval for the initial building and associated infrastructure and that therefore this wider planting masterplan is largely indicative for the rest of the Site. A 'Plant Specification and Schedule' is included with the application.
- 7.3.2 The landscaping proposed in the landscape plan will soften the visual impact of the development. The building itself is of a standard modern design, typical of those found in recent industrial estates. Subject to the submission of satisfactory materials there is no objection to the landscape or visual impact of the building proposed.

7.4 Highways/Highways Safety

- 7.4.1 Whilst the concerns of the Parish Council are noted these issues were considered fully at outline planning application stage. The Highway Authority were fully consulted and offered no objection to the outline proposal. Highways England also commented upon the application following being consulted. They also offered no objection. Neither body had any concerns with regards to this reserved matters application.

8. Implications

8.1 Legal Implications

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

8.2 Equality and Diversity

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

8.3 Environment

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

8.4 Crime and Disorder

- 8.4.1 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.

8.5 Children

- 8.5.1 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.

8.6 Human Rights

- 8.6.1 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.

9. Conclusion

- 9.1 The design and appearance of this building are in keeping with a modern commercial estate. The landscaping proposed is part of a comprehensive masterplan for the whole area which will soften the site's appearance. As such the reserved matters are considered acceptable.

Fergus McMorrow
Assistant Director Development

Checked by or on behalf of the Monitoring Officer	03.05.2022
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Background Papers: Planning File 21/1092

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Report No: DCE32/22

Eden District Council

**Planning Committee
19 May 2022**

Quarter 4/Annual Planning Performance Report – 2021/22

Portfolio:	Leader
Report from:	Assistant Director Development
Wards:	All Wards save for those wards that are wholly within the Lake District or Yorkshire Dales National Park.
OPEN PUBLIC ITEM	

1. Purpose

- 1.1 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.

2. Recommendation

- 2.1 That the report be noted.

3. Report Details

- 3.1 This report provides Members of the Council and Planning Committee with a quarterly and annual update and overview relating to the Council’s planning performance against National Targets as set by the Government and the Council.
- 3.2 The reporting period covered in this report includes quarter 4 of 2021-2022, up to 31 March 2022.
- 3.3 The figures are included in section 5 below. They represent a difficult period for the service which includes Covid-19 restrictions, staffing resource difficulties and a review of the service. Towards the end of the year there was a very high staff turnover. The service has been recently strengthened and currently has 5 new members of staff that are now settling in. The additional investment in the service would undoubtedly result in improved performance, however, given the length of time to deal with complex applications there will naturally be a significant time delay as they worked through the system. The figures show a dip in performance in the last quarter. This is a quirk of the process. As the better resourced service gets to grips with many of the older outstanding complex applications, more of those determined will have been submitted a longer time ago thus actually pushing the statistics downwards in the short term.
- 3.4 The annual performance comfortably exceeds the national performance standards. Nevertheless the performance over the last year comfortably exceeds national performance standards. With regard to major applications Eden’s performance is 79% determined with 13 weeks against a national

target of 60%. Eden performance for minor applications is 78% determined in 8 weeks against a national target of 70%.

- 3.5 Advice received from Natural England in March means that we now need to be satisfied that new housing and tourism projects attracting more overnight stays must be able to demonstrate that the additional waste water is not adding additional nutrients to protected river basins covering most of the District. This is likely to result in delays to many applications and will affect our performance information from here on.

4. Policy Framework

- 4.1 The Council has four corporate priorities which are:

- Sustainable;
- Healthy, safe and secure;
- Connected; and
- Creative

- 4.2 The planning performance by Development Management connects into each of these four corporate priorities.

5. Performance Statistics

Development Management – Planning Applications

Table 1: Number of Planning Applications Received

Applications Received					
Year	Q1	Q2	Q3	Q4	Total
2018/2019	280	264	196	240	980
2019/2020	231	240	207	214	892
2020/2021	216	311	267	322	1116
2021/2022	289	273	163	251	976

(Table 1 does not include all work received by the Planning Service such as applications for non-material amendments, Tree Preservation Order works, Discharge of Conditions or Certificates of Lawfulness.)

Table 2: Major Planning Applications Determined (13 week determination period)

Major Development					
Year	Q1	Q2	Q3	Q4	Total
2018/2019	100% (7 of 7)	100% (7 of 7)	100% (5 of 5)	100% (6 of 6)	100% (25 of 25)
2019/2020	100% (5 of 5)	100% (9 of 9)	100% (3 of 3)	100% (5 of 5)	100% (22 of 22)
2020/2021	100% (11 of 11)	100% (9 of 9)	100% (7 of 7)	88.8% (8 of 9)	97.2% (35 of 36)
2021/2022	75% (6 of 8)	87.5% (7 of 8)	100% (7 of 7)	50% (3 of 6)	79% (23 of 29)

(National Target 60%)

Table 3: Minor Planning Applications Determined (8 week determination period)

Minor Development					
Year	Q1	Q2	Q3	Q4	Total
2018/2019	89% (73 of 82)	89% (65 of 73)	84.7% (50 of 59)	92.8% (52 of 56)	88.8% (240 of 270)
2019/2020	98% (51 of 52)	93.3% (56 of 60)	100% (43 of 43)	87.3% (55 of 63)	94% (205 of 218)
2020/2021	89.7% (44 of 49)	94.5% (52 of 55)	95% (57 of 60)	88.6% (39 of 44)	92.3% (192 of 208)
2021/2022	88% (59 of 67)	80% (52 of 65)	80% (34 of 42)	62% (31 of 50)	78% (176 of 224)

(National Target 70%)

Table 4: Other Development Applications Determined (various determination periods)

Other Development					
Year	Q1	Q2	Q3	Q4	Total
2018/2019	87.5% (84 of 96)	88.2% (83 of 96)	97.1% (68 of 70)	90.9% (60 of 66)	91.1% (297 of 326)
2019/2020	97% (89 of 91)	99% (99 of 101)	98.6% (72 of 73)	93% (85 of 91)	96.9% (345 of 356)
2020/2021	95.5% (65 of 68)	95% (77 of 81)	95.8% (93 of 97)	91.7% (67 of 73)	94% (302 of 319)
2021/2022	95% (97 of 102)	84.5% (82 of 97)	77% (80 of 103)	68.3% (67 of 98)	81% (326 of 400)

(National Target 70%)

Table 5: Pre-Application Enquiries received (28 Day target turn around)

Pre-Application Enquiry					
Year	Q1	Q2	Q3	Q4	Total
2018/2019	46 received £4,836	57 received £5,700	36 received £4,320	46 received £4,800	185 £19,656
2019/2020	59 received £8,424	45 received £6,810	51 received £8,112	44 received £5,184	199 £28,530
2020/2021	40 received £4,174	68 received £5,670	38 received £4,436	57 received £3,420	203 £17,700
2021/2022	60 received £6,240	48 received £3,876	32 received £3,126	49 received £5,790	189 £19,032

Development Management - Enforcement

Table 6: Enforcement Complaints Received

Enforcement Complaints Received					
Year	Q1	Q2	Q3	Q4	Total
2018/2019	42	43	33	29	147
2019/2020	43	36	21	29	129
2020/2021	32	46	28	35	141
2021/2022	44	34	28	30	136

Table 7: Enforcement Cases Closed

Enforcement Complaints Closed					
Year	Q1	Q2	Q3	Q4	Total
2017/2018	29	45	39	39	152
2018/2019	38	33	43	31	145
2019/2020	24	32	34	15	105
2020/2021	12	36	22	15	85
2021/2022	16	4	19	28	67

Table 8: Enforcement and other Notices Served

Notices Served					
Year	Q1	Q2	Q3	Q4	Total
2018/2019	3	4	3	1	8
2019/2020	3	0	1	0	4
2020/2021	11	3	3	2	19
2021/2022	0	2	2	0	4

6 Implications

6.1 Financial and Resources

6.1.1 There are no proposals in this report that would reduce or increase resources.

6.2 Legal

6.2.1 There are no Legal implications as a result of this report.

6.3 Human Resources

6.3.1 There are no Human Resource implications as a result of this report.

6.4 Environmental

6.4.1 There are no Environmental Implications as a result of this report.

6.5 Statutory Considerations

6.5.1 There are no Statutory Considerations beyond those contained within Section 5 of this report.

6.6 Risk Management

6.6.1 There are no Risk Management Considerations as a result of this report.

Tracking Information

Governance Check	Date Considered
Assistant Director Development	06 May 2022

Background Papers: None

Appendices: None

Contact Officer: Richard Fox, Planning Services Development Manager