

EDC Planning Committee 17.11.22

Present: William Patterson (chair), Councillors: Debra Wicks, Ali Ross, Graham Simpkins, Henry Sawry-Cookson, Ian Chambers, Mike Eyles, Michael Hanley, Deb Holden, Elaine Martin, Peter Baker.

Planning Officers: Jill Shingler, John Hisciox. Monitoring Officer: Lisa Tremble,

Report by Michael Hanley.

### 1. Appeals Decisions

Included appeal regarding Blueberrys (Cafe), Alston. A site visit was made on 4.10.22 by J Symmons from the Planning Inspectorate. The appeal was made by Irene and Edward Robson against the decision of EDC. The main issue is the effect of the proposed development on the vitality and viability of Alston town centre, having regard to demand for the property's retail use (as a cafe). The owners want to change the ground floor to residential use. Policy EC7 of the Eden Local Plan seeks to maintain and enhance the vitality and viability of town and district centres. It is clear that Policy EC7 highlights the importance of the retail function of properties in town and district centres and the detrimental effect of a loss could have on the vitality and viability of a shopping area. The appellants advised that the cafe was not economically viable. However this was during the Covid pandemic when various lockdowns were imposed. Also there was a road closure. Financial accounts provided do not necessarily represent Blueberrys' true retail potential. There is no evidence that the cafe was run at a loss prior to the epidemic. It is therefore considered that the accounts provided do not sufficiently justify that the business could not be financially viable and that there is no demand for it.

It is recognised that the property is the appellant's home, if they stay and do not want to continue with the cafe, they would need to consider other interested parties taking it over.

The appellants raised several issues regarding EDC's handling of this application including lack of response and late decision. Similarly concerns about the inconsistency and suitability of comments made by the Parish Council have also been raised. I agree with the Council's finding in respect of the change of use.

Careful consideration of comments received from other interested parties supporting the application has been taken. However there is evidence to identify risk to the vitality and viability of the town centre, including insufficient justification to demonstrate that there is no trading demand for retail use. I conclude that the appeal should be dismissed.

### 2. Reports for Debate

(a) Change to parking at a development (30 houses) at Hackthorpe.

Lowther PC objected saying parking will result in vehicles backing onto the crossroad of a busy road. EDC recommended approval.

Ali Ross (AR): Asked about Section 106 (financial contributions from the developer).

Jill Shingler (JS, planning officer): There will be contributions from the developer.

Mike Eyles (ME): Section 106 concerns need to be brought back to the committee.

William Patterson (WP, chair): It is not appropriate to bring this back to this committee.

ME: We want a briefing from the officer as to the background of this development, as it has resulted in the loss of affordable housing.

Lisa Tremble (LS, monitoring officer): An email was sent out about this this morning.

Debra Wicks (DW): I propose we support the proposal.

Vote: Unanimous in favour.

(b) Demolition of existing building and construction of new dwelling, garage and shed near Appleby.

Objection from private individual (who did not attend the meeting).

Andy Connell (EDC and Appleby PC councillor): Appleby PC did not object to this. The letter of complaint includes visual intrusiveness. It's not visible from Roman Road. The letter also mentions risk of contamination. There was a rubbish dump some way from the site but that ceased to function in the 1950s. Also the letter mentions a possible archaeology site. The local Archaeology Society does not support this.

AR: Are any of the other outbuildings to be demolished? Also a bat survey wasn't asked for.

JS: Yes, the outbuildings will be demolished. There is no mention of a bat survey, that should be carried out before demolition.

Elaine Martin (EM): Bats don't live in buildings with tin roofs.

JS: The buildings do not have tin roofs.

Henry Sawry-Cookson (HSW): How will the development boost the local economy of Ousby?

WP: This is not Ousby, it's Appleby.

HSC: Can I make a proposal to refuse this item?

WP: You need to provide good reasons.

HSC: It's contrary to LS1 (Locational Strategy: keeping developments in built up areas).

WP: Does this find a seconder?.....none.

AR: There is mention of low carbon footprint...there is no evidence for this.

JS: There is nothing specific proposed, there is no requirement to provide this.

DW: Is it not that the modern property will have insulation. I would like to propose acceptance and also it is rude that the objector did not turn to at this committee.

AR: I would like the proposal to include a bat survey.

WP: Are you happy with that?

DW: I am happy with a bat survey.

LT: Asked agent about the precondition of a bat survey.

Agent: That's not a problem.

Deb Holden (DH): Is there a condition that the house will be for local people?

Did not hear a reply to this question.

Vote: All voted in favour except HSW who voted against.

(c) Persimmons Houses development of 229 houses in North Penrith. Previously passed.

This item is concerning a condition related to construction methods on site. Objection from Penrith Town Council. Concern about noise monitoring and liaison between developers and nearby residents.

John Hiscix (JH, planning officer): There will be a maximum movement of 65 wagons per day. There is a need to keep water off the main road (? A6). Noise and vibration monitors are to be provided. Silt on the site is to be prevented from entering the water drainage.

Speaker for Persimmons: Discussed provision of vibration monitors.

DW: Why have not got a speaker from Penrith TC?

DH: 65 vehicles going in and out per day is a lot. This could go on for some time.

JH: This has been in front of the county council and Highways Authority. The traffic is significant. You have to expect that for the size of the site.

DH: Is the lighting limited to construction hours?

Persimmons Representative (PR): yes.

ME: Will the ward councillors be kept abreast of the developments and progress.

PR: Yes.

Graham Simpkins: Can there be a requirement that the lorries come in from the north along the A6?

JH: We cannot control that.

Vote: All voted in favour except HSC who voted against.

(d): Erection of wooden agricultural building for fodder and livestock storage. The proposed building is contrary to Eden Local Plan as it is on a Future Growth Site.

It is not considered that it will stop future development.

ME: Proposed to approve.

Vote: Approved unanimously.