

APPLEBY-IN-WESTMORLAND TOWN COUNCIL

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PLANNING AND GENERAL PURPOSE COMMITTEE MINUTES FOR THE MEETING HELD IN THE MOOT HALL ON MONDAY 10TH JUNE 2019 at 7.00pm

Report 1

Present:

Cllr Connell
Cllr Miss Hutchinson (Deputy Mayor Ex Officio)
Cllr Pape
Cllr Rooke
Cllr Stephenson (Vice Chair)

Also in attendance:

Cllr Mrs Anderton
Cllr Curley

P1/06/19 Election of Chairman and Vice Chairman

Cllr Stephenson opened the meeting. Cllr Hayes was elected as Chairman in his absence and Cllr Stephenson as Vice Chair.

ACTION

P2/06/19 Apologies for Absence

Apologies for absence were received from Cllr Chalmers, Cllr Mrs Dixon-Dougherty, Cllr Dougherty and Cllr Hayes in respect of this meeting.

Clerk

P3/06/19 Declarations of Interest

Cllr Connell declared a personal interest in relation to any item on the agenda that relates to Cumbria County Council and Eden District Council.

P4/06/19 Actions from the Previous Minutes

There were no outstanding actions from the previous minutes.

P5/06/19 Planning Applications

The Committee **supported** the application detailed below:

19/0319

APPLICATION

Proposed extension and alterations to boundary treatments.

4 DRAWBRIGGS MOUNT APPLEBY-IN-WESTMORLAND CA16 6HL

19/0354

APPLICATION

Proposed dwelling and access

BUILDING PLOT DOOMGATE APPLEBY CA16 6RB

Clerk

P5/06/19 Planning Decisions

The Committee noted the planning decisions listed below.

19/0186

GRANTED

Full Application

Proposed studio extension

3 STATION ROAD APPLEBY-IN-WESTMORLAND CA16 6TX

19/0302

NO OBJECTION

Tree Preservation Order: Tree Removal

NORTH LODGE APPLEBY-IN-WESTMORLAND

P7/06/19 Chairman's report

There was no Chairman's Report in respect of this meeting.

P8/06/19 Eden District Council: Scrutiny Work Programme 2019 - 2020

The Clerk advised that correspondence had been received from Eden District Council request in suggestions for the Scrutiny Work Programme 2019 – 2020. It was agreed that any suggestions would be forwarded to the Clerk before the deadline for responses: Monday 8th July 2019.

P9/06/19 Eden District Council: Temporary Road Closure: Appleby Town Carnival & Sports: Saturday 13th July 2019

The Clerk advised that the temporary road closure for Appleby Town Carnival & Sports had been received and any comments needed to be with Eden District Council before the deadline of Friday 14th July 2019. Cllr Stephenson advised that the route was the same as previous years.

P10/06/19 River Bank Vegetation

Cllr Pape advised that it was his view that the growth of willows along the inside of the river bank around The Butts was undercutting the banking and that the willows should not just be cut back but actually removed. There was a further location downstream of Holme Farm Bridge but land ownership was not clear. It was **RECOMMENDED** that the Council contact Eden District Council to arrange a site meeting to discuss.

P11/06/19 Environment Agency: Appleby Flood Defences

This item was deferred as Cllr Chalmers who had requested the item to be included on the agenda was not present at the meeting.

P13/06/19 Councillors' reports and items for future agendas

There were no Councillors' reports or items for future agendas raised in respect of this meeting.

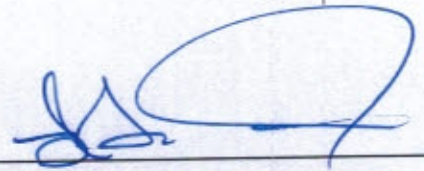
P13/06/19 Date of the Next Meeting

Councillors noted that the next meeting of the Planning and General Purpose Committee would be held in the Moot Hall on **Monday 8th July 2019 at 7.15pm** or upon the rising of the Finance Committee.

ALL

There being no further business the meeting closed at 7.30pm.

AT THE COUNCIL MEETING ON: **WEDNESDAY 19TH JUNE 2019**
THE COMMITTEE CHAIRMAN WAS AUTHORISED BY
THE COMMITTEE TO SIGN THESE MINUTES TO CONFIRM
THEIR BEING A TRUE AND ACCURATE RECORD:



Eden District Council**Constitution Changes and Delegation of Council Functions to the Council's Officers****Parish Council Briefing Note**

On the 11 April 2019, a number of changes to Eden District Council's Constitution were approved by the Council following a Review of the Constitution. Changes were made relating to the Scheme of Delegation and Code of Planning Conduct.

In relation to the Council's scheme of delegation regarding the determination of Planning Applications, a change was approved in relation to consultation responses received from Parish Councils relating to the advertisement and notification of Planning Applications.

As of 11 April 2019, any Parish Council responses received which are contrary to the recommendation or the proposed decision on the determination of a planning application will only be put before the members of the Planning Committee if they include reasons to support or object to the proposal. Such reasons must be based on material planning grounds. Any responses received which do not include reasons to support the Parish Council's views based on material planning grounds, will still be taken into consideration in the determination of the planning application, but will be determined by officers under Delegated Powers and not put before the Members of the Planning Committee, unless there are separate grounds to put the matter before Committee.

A representative of a Parish Council will still be able to address the Planning Committee on an application it is considering. A request to speak at the Planning Committee has to be made before the meeting and this is usually by midday on the Tuesday before a meeting on the following Thursday. In addition, proposals considered to be controversial or sensitive in nature will still be put before the Planning Committee for determination.

The purpose of this change is to ensure that all planning applications are determined in accordance with the strict requirements of the Town and Country Planning Act 1990 (as amended) and to avoid decisions being made by the Council which may be vulnerable to challenge at appeal or judicial review.

In order to assist Parish Councils in this regard, the following list (not inclusive) outlines the main material and non-material considerations relevant to the determination of planning applications as detailed within the Council's Constitution:

1. Valid planning grounds excludes objections made on any of the following grounds:
 - Devaluation of property;
 - Loss of view;
 - Effect on trade/commercial competition;
 - Effect on private or civil rights;
 - Personal or financial circumstances or the character of the applicant;
 - Third party interest; or
 - Matters covered by other legislation or controls including Building Regulations and licensing.

2. Valid planning grounds include but are not limited to:

- Overlooking / loss of privacy;
- Loss of light or overshadowing;
- Parking;
- Highway safety;
- Traffic;
- Noise;
- Effect on listed building and conservation area;
- Layout and density of building;
- Design, appearance and materials;
- Government policy;
- Disabled persons' access;
- Proposals in the Development Plan;
- Previous planning decisions (including appeal decisions);
- Nature conservation.

In addition to the above, attached is a document produced by the Planning Aid England which provides further confirmation on what constitutes material and non-material considerations.

Should the Parish Council have any queries on this matter, or require further guidance, please do not hesitate to contact planning.services@eden.gov.uk.

Yours sincerely,

Nick Atkinson

Planning Services Development Manager

Material Planning Considerations

When a decision is made on a planning application, only certain issues are taken into account; these are often referred to as 'material planning considerations'.

MATERIAL PLANNING CONSIDERATIONS:

Issues that may be relevant to the decision

(There may exist further material planning considerations not included here)

- Local, strategic, national planning policies and policies in the Development Plan
- Emerging new plans which have already been through at least one stage of public consultation
- **Pre-application planning consultation** carried out by, or on behalf of, the applicant
- **Government and Planning Inspectorate requirements** - circulars, orders, statutory instruments, guidance and advice
- **Previous appeal decisions** and planning inquiry reports
- **Principles of Case Law** held through the Courts
- **Loss of sunlight** (based on Building Research Establishment guidance)
- **Overshadowing/loss of outlook** to the detriment of residential amenity (though not loss of view as such)
- **Overlooking and loss of privacy**
- **Highway issues:** traffic generation, vehicular access, highway safety
- **Noise or disturbance** resulting from use, including proposed hours of operation
- **Smells and fumes**
- **Capacity of physical infrastructure**, e.g. in the public drainage or water systems
- **Deficiencies in social facilities**, e.g. spaces in schools
- **Storage & handling of hazardous materials** and development of **contaminated land**
- **Loss or effect on trees**
- **Adverse impact on nature conservation** interests & biodiversity opportunities
- **Effect on listed buildings** and conservation areas
- **Incompatible or unacceptable uses**
- **Local financial considerations** offered as a contribution or grant
- **Layout and density of building design**, visual appearance and finishing materials
- **Inadequate or inappropriate landscaping** or means of enclosure

The weight attached to material considerations in reaching a decision is a matter of judgement for the decision-taker however the decision-taker is required to demonstrate that in reaching that decision that they have considered all relevant matters.

Generally greater weight is attached to issues raised which are supported by evidence rather than solely by assertion.

If an identified problem can be dealt with by means of a suitable condition then the Local Planning Authority is required to consider this rather than by issuing a refusal.

NON-MATERIAL PLANNING CONSIDERATIONS:

Issues that are not relevant to the decision:

(There exist further non-material planning considerations not included in this list)

- **Matters controlled under building regulations** or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc.
- **Private issues between neighbours** e.g. land/boundary disputes, damage to property, private rights of access, covenants, ancient and other rights to light etc.
- **Problems arising from the construction period** of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts).
- **Opposition to the principle of development** when this has been settled by an outline planning permission or appeal
- **Applicant's personal circumstances** (unless exceptionally and clearly relevant, e.g. provision of facilities for someone with a physical disability)
- **Previously made objections/representations** regarding another site or application
- **Factual misrepresentation of the proposal**
- **Opposition to business competition**
- **Loss of property value**
- **Loss of view**

Planning Aid England provides free, confidential and independent planning advice.

Call: 0330 123 9244 or Email: advice@planningaid.rtpi.org.uk



