

PLANNING COMMITTEE

Minutes of the proceedings at a meeting of the Planning Committee held in the Council Chamber, County Hall, Busher Walk, Kendal LA9 4RQ, on Thursday, 27 April 2017, at 10.01 a.m.

Present

Councillors

Mary Wilson (Chairman)
Eric Morrell (Vice-Chairman)

Brian Cooper
Joss Curwen
Sheila Eccles
Sylvia Emmott

Gill Gardner
John Holmes
Helen Irving
Janette Jenkinson

Kevin Lancaster
Pete McSweeney

Apologies for absence were received from Councillors John Clough, Philip Dixon, Brenda Gray and David Williams.

Officers

Una Bell	Assistant Committee Services Officer
Fiona Clark	Planning Officer
Simon Fawcett	Planning Officer
Belinda Fettis	Planning Officer
Anthea Lowe	Solicitor to the Council
Mark Loughran	Development Control Team Leader

P/116 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on 23 March 2017.

P/117 DECLARATIONS OF INTEREST

RESOLVED – That it be noted that the following declarations of interest were made:-

(1) Councillor Pete McSweeney – Minute No.P/119 (Planning Application No.SL/2016/1044); and

(2) Councillor Sylvia Emmott – Minute No.P/121 (Planning Application No.SL/2016/0519).

P/118 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That, should discussion be necessary, the item in Part II of the Agenda be dealt with following the exclusion of the press and public.

P/119 PLANNING APPLICATIONS

The Development Control Team Leader submitted a Schedule of Planning Applications and his recommendations thereon.

RESOLVED – That

- (1) the applications be determined as indicated below (the numbers denote the Schedule numbers of the application);
- (2) except where stated below, the applications be subject to the relevant conditions and advice notes, as outlined in the Schedule; and
- (3) except where stated below, the reasons for refusal be those as outlined in the Schedule.

PUBLIC PARTICIPATION**P/120 ARNSIDE - SL/2016/1044 - Leeds Children's Holiday Camp**

Demolition of camp buildings and siting of 25 static caravan pitches and manager's dwelling and site reception at Leeds Children's Holiday Camp, Far Arnside, Silverdale (Mr M Holgate)

Note – Councillor Pete McSweeney declared a non-pecuniary interest in this item of business by virtue of his position as an Executive Board Member of Arnside and Silverdale Area of Outstanding Beauty Partnership (AONB). He had also owned a static caravan at Holgates Caravan Park, Silverdale, from 1985 to 1995. Councillor McSweeney made a verbal representation under the Council's Public Participation Scheme, but left the meeting during discussion and voting on this item.

The Planning Officer presented the application and displayed plans and photographs which detailed the proposals and referred to the site visit.

Members' attention was drawn to the late representations which had been circulated prior to the meeting and the addition of a further condition, should the application be approved:

Condition No development shall commence for 21 days after the date of this decision.

Reason To comply with the Wildlife and Countryside Act s.28(i)(6).

Mrs A Turnbull spoke in opposition to the application. She informed the Committee that she supported the views of Arnside and Silverdale AONB as stated in the report and that these views should not be ignored. She stated that 25 static caravans would have no aesthetic merit when compared to the existing buildings. She highlighted her concerns regarding drainage issues, particularly with regard to filtration onto the shore which was a Site of Special Scientific Interest. She also referred to the pre-application correspondence from the Planning Officer which had advised that the application would not be supported at that time.

Ms L Barron, the manager of Arnside and Silverdale AONB, informed the Members that the status of an AONB was equal to that of National Parks. She stated that the proposal was a major development and therefore under paragraph 116 of the National Planning Policy Framework (NPPF), the application should be refused. In addition she referred to

paragraph 115 of the NPPF which stated that great weight should be given to conserving landscapes which had the highest level of protection. The application was in direct conflict with Core Strategy Policy CS1.1 which the report had not properly considered. This application was a new site and not an extension of the existing site. Policies T5 and CS8.2 contained policies to protect the landscape and the AONB.

Mrs Fisher, spoke briefly to confirm she had nothing further to add and that she supported what had been said by the previous speakers.

Ms A Kitchen spoke regarding the creation of the English Coastal path and suggested that provision of a footpath through the site should be a condition. She highlighted concerns regarding light pollution and the impact on wildlife on the mudflats.

Mr S Gibbs informed the Committee that he had been a resident of Silverdale for 17 years. He proposed that there should be no further static caravan sites within the Arnside and Silverdale AONB and that the existing static caravans were putting pressure on the environment. He also expressed the view that the development was contrary to Policy T5. He stated that he welcomed tourists but had concerns that there was a lack of diversity in the tourist accommodation offered and that there should be more focus on lower impact tourist accommodation such as tented camping.

Ms R Lord stated that she felt that the proposal was a major development and the scale, context and character was not comparable with the existing site. In addition the siting of additional static caravans in the AONB was contrary to Policy T5. In addition the development did not support the Policy to protect the intrinsic beauty of the countryside.

Councillor P McSweeney addressed the Committee. He stated that as Ward Councillor he had been approached by many residents, very few had been in support of the application. He accepted that the site should be redeveloped but that the applicant should consider a more suitable way to develop the site. He urged the Committee to refuse the application on the grounds that it was within the Arnside and Silverdale AONB.

Mr Tait, the applicant's agent, addressed the Committee. He stated that the proposed application was better than what was currently on the site and that the existing building had been considered by the Conservation Officer as having no specific value. He explained that the development would be of a more muted colour and development would break up the scale of bulk of the existing development which would blend in with the landscape. In addition there would be significant landscape and ecological improvements. He stated that it was not a major development.

Mr M Holgate, the applicant, addressed the Committee and stated that he had been in consultation with regard to the coastal path. In addition he highlighted the increase in local employment and the potential visitor spend. He also expressed his view that the existing buildings already caused significant light pollution and the proposal was likely to improve the level of light pollution from the site.

In further presenting the report the Planning Officer explained that the scale of the development proposed was comparable to the existing site and was not a major development. She explained that the applicant had been advised that the initial application had not been acceptable as the development had a wider spread of caravans and no landscape enhancement had been proposed. She confirmed that the level of landscaping would be a continuation of the existing woodland and she displayed indicative landscape visuals.

Members gave consideration to the impact of the development on the AONB in particular the landscape, ecology and size of the development.

REFUSE for the reasons set out below:-

The cumulative impact of static caravan development in this location, due to its layout, density and appearance will cause significant adverse impacts to the conservation of the landscape character of the Arnside and Silverdale Area of Outstanding Natural Beauty contrary to Saved Policy T5 and the Draft Policy AS012 of the Draft AONB DPD.

Note – The Committee voted to adjourn for a break at 11.48 a.m. and reconvened at 12.01 p.m. when the same Members were present with the exception of Councillor Gill Gardner.

REPORT OF THE DIRECTOR PEOPLE AND PLACES

P/121 KIRKBY LONSDALE - SL/2017/0087 & SL/2017/0088 - Wood End Farm, Low Biggins

Conversion and alterations of farm house to form two dwellings and demolition of farm buildings and the erection of 9 dwellings Wood End Farm, Low Biggins, Kirkby Lonsdale (Mason Gillibrand Architects)

The Planning Officer presented the application and displayed plans and photographs which detailed the proposals and referred to the site visit.

Members' attention was drawn to the late representations which had been circulated prior to the meeting.

The Planning Officer drew attention to the three planning applications relating to Wood End Farm. The first two applications were for Full Planning Permission and Listed Building Consent, SL/2017/0087 and SL/2017/0088, to sub-divide the main farmhouse from one dwelling to two dwellings. The third application, SL/2015/0695 was an Outline Planning Application with all matters reserved to demolish a range of agricultural buildings and construct nine new houses, three of which would be affordable.

GRANT subject to the conditions set out in the schedule referred to at Minute No.P/119.

Note – The Committee voted to adjourn for a lunch break at 12.25 p.m. and reconvened at 13.06 p.m. when the same Members were present with the exception of Councillors John Holmes and Helen Irving.

PUBLIC PARTICIPATION

P/122 KENDAL - SL/2016/0519 - Land to the South of Lumley Road

Erection of 110 Dwellings, associated infrastructure and landscaping and discharge of condition 9 (surface water drainage) attached to outline permission SL/2014/0846 on Land to the south of Lumley Road, Kendal (Jones Homes (Fylde))

Note – Councillor Sylvia Emmott declared a non-pecuniary interest in this item of business having spoken to a number of residents within her ward regarding the application. She explained, however, that there was no bias or predetermination and she remained in the meeting during discussion and voting on the item.

The Planning Officer presented the application and displayed plans and photographs which detailed the proposals. She explained that the application had been deferred at the last Committee to negotiate changes to the layout and levels and to resolve the outstanding surface water drainage matters.

Members' attention was drawn to the late representation which had been circulated prior to the meeting.

Mr P Hoyle, a local resident, requested clarification with regard to the repositioning of plot 1 and plot 9, as he had not had time to consider the new material.

Mr R Solomon, a local resident, spoke regarding his frustrations that he and other residents had not had sufficient time to consider the amended site plans as they had not been published on the website in time. He also had concerns regarding the relationship of the proposed dwellings to the existing properties.

Mr G Barlow, the applicant, addressed the Committee. He apologised, on behalf of Jones Homes, for the amended site plans not being available sooner. Mr Barlow stated that Jones Homes had declined to amend the dispersal of the affordable rented units as it was considered that the mix, tenure and location within the site was acceptable.

In further presenting the report the Planning Officer explained that the reasons for deferral had been satisfactorily addressed with the exception of the mix of affordable social rented housing. The applicant had considered the request that the affordable rented units be better dispersed throughout the site but had declined stating that the proposal provided the appropriate mix, tenure and dispersed the affordable discounted sale units equally throughout the site.

Councillor Sylvia Emmott highlighted an error at paragraph 75 which referred to plot 2. The plot the paragraph referred to was plot 9.

GRANT subject to the conditions set out in the schedule referred to at Minute No.P/119.

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KENDAL - SL/2016/0413 - Land adjacent to Underbarrow Road

Construction of 41 dwelling houses and 6 apartments, including site access roads, car parking areas and garages (Russell Armer Ltd)

The Solicitor to the Council addressed Members to advise that there was a further late representation that had been received that morning which Members were given time to read; this was in addition to the late representations that had been received the previous day and had been circulated prior the meeting.

The Solicitor to the Council also advised Members that the Council had not given any legitimate expectation to the public or statutory consultees to re-consult when additional information was provided. The information provided did not, in officers' views, materially alter the scheme. Members of the public had been notified of the application being considered again at this Committee meeting and had been given sufficient time to make representations and, therefore, no prejudice had occurred to any party. Members were free to decide the application by resolving to approve, reject or defer the application.

Once Members had indicated that they had had sufficient time to consider the late representations received that morning, the Planning Officer presented the application and

displayed plans and photographs which detailed the proposals. She explained that the application had been considered at the Planning Committee on 24 November 2016 where Members resolved that delegated authority be issued to grant planning permission subject to the completion of a S106 Agreement. Following the November Committee meeting, the County Council had commissioned an independent technical review of the drainage scheme. The review concluded that the impact on off-site properties could not be adequately assessed and had recommended the submission of additional information and clarification. The applicant had responded and the County Council had confirmed that the issues raised had now been satisfactorily addressed.

Members' attention was drawn to the late representations which had been circulated prior to the meeting.

In further presenting the report the Planning Officer reminded the Committee that they had previously resolved to grant the scheme and the main issue for consideration was the additional information supplied in respect of the surface water draining. However, the Planning Officer reiterated the advice of the Solicitor, that the application could be considered afresh.

In addition the Planning Officer highlighted that paragraph 134 of the Report had inadvertently been copied from the report presented at the November meeting of the Planning Committee and was no longer relevant.

Councillor Giles Archibald, Ward Councillor for Kendal Fell addressed the Committee. He highlighted his concerns regarding widening of the road, the percentage of affordable housing and its distribution throughout the development, the contaminated land and drainage. Councillor Archibald left the meeting after making his representations.

Members gave consideration to the drainage scheme, the affordable housing, the contaminated land and the widening of the road.

Note – A viability appraisal was provided at Appendix 1 in Part II of the Agenda which was excluded from inspection by members of the public in accordance with Section 100 (B) of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, and, in all the circumstances of the case, it was considered that the public interest in maintaining the exemption outweighed the public interest in disclosing it. Copies of the document were excluded, as it contained information as described in Schedule 12A of the Act as follows:-

- Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Paragraph 3)

GRANT subject to the conditions set out in the schedule referred to at Minute No.P/119.

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A REPORT ON ENFORCEMENT ACTIVITY

The Committee was presented with a report on Enforcement Activity between 1 February 2017 and 28 February 2017.

The Development Control Team Leader drew attention to the Appeal against the Enforcement Notice at Monton, Grange over Sands, which had recently been quashed. He agreed to send Members the Inspector's Decisions and advised Members that Officers were currently in the process of obtaining legal advice in respect of future options and hoped to bring a report to the next Planning Committee Meeting.

RESOLVED – That

- (1) the report and contents of Appendix 1 to the report be noted; and
- (2) the action of the officers in closing cases as set out in Appendix 2 to the report be endorsed.

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APPEALS UPDATE

Members were presented with an update on performance measures and recent appeals.

RESOLVED – That the report and the contents of Appendix 1 to the report be noted.

The meeting ended at 2.46 p.m.