

## PLANNING COMMITTEE

Minutes of the proceedings at a meeting of the Planning Committee held in the District Council Chamber, South Lakeland House, Kendal, on Thursday, 21 March 2019, at 9.30 a.m.

Present

Councillors

Pete McSweeney (Chairman)  
Eric Morrell (Vice-Chairman)

Robin Ashcroft  
Rupert Audland  
Andrew Butcher  
Gill Gardner

Vicky Hughes  
Anne Hutton  
Janette Jenkinson  
Dave Khan

Kevin Lancaster  
David Webster  
David Williams

Apologies for absence were received from Councillors Helen Chaffey, Michael Cornah, Brian Cooper and John Holmes.

Officers

Una Bell	Assistant Committee Services Officer
Anthea Lowe	Solicitor to the Council
Mark Lynch	Interim Development Management Team Leader
Andrew Martin	Principal Planning Officer

### **P/106 ADDRESS TO THE MEMBERS FROM THE SOLICITOR TO THE COUNCIL**

The Solicitor to the Council addressed the Members of the Planning Committee and informed them that the Planning Application on the agenda had generated considerable public interest and a significant number of representations had been received. Members were reminded that they should only participate in the agenda item if they were of an open mind and that if they had been lobbied with influence they would need to declare an interest at item 2 of the agenda and leave the chamber when the item was being considered.

### **P/107 DECLARATIONS OF INTEREST**

RESOLVED – That it be noted that Councillors Gill Gardner and Janette Jenkinson declared an interest with regard to Minute No. P/110 (Monton, Cart Lane, Grange-over-Sands).

### **P/108 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS**

RESOLVED – That it be noted that there are no excluded items on the agenda.

### **P/109 PUBLIC PARTICIPATION**

RESOLVED – That it be noted that applications to speak under the Council's public participation scheme have been received in respect of the following items:-

- (1) Minute No. P/110 (Monton, Cart Lane, Grange-over-Sands); and
- (2) Minute No. P/111 (Planning Application No. SL/2018/0925).

**P/110****MONTON, CART LANE, GRANGE-OVER-SANDS - UPDATE REPORT**

***Note – Councillor Gill Gardner declared a non-pecuniary interest in this item by virtue of the fact that the applicant was known to her and he was also the Chair of her Parish Council and having regard to bias and/or predetermination, she left the meeting during discussion on the item.***

***Councillor Janette Jenkinson declared a non-pecuniary interest by virtue of the fact she had sat on a committee with the applicant. She confirmed she had an open mind regarding the matter and remained in the meeting during discussion on the item.***

The Interim Development Management Team Leader presented an update report on the unauthorised operational development at Monton, Cart Lane, Grange-over-Sands. He summarised the background and historical context of the development and reminded Members that an enforcement notice had been served by the authority in August 2017 and had been subject to an appeal which was unsuccessful. He explained that the Planning Inspector's decision upheld the enforcement notice and the appellant was granted six months in which to comply with the enforcement notice in full. The Interim Development Management Team Leader advised Members that the Enforcement Officer had visited the site the previous day and that the dormer had been removed and the roof tiles reinstated. He went on to inform Members that the owners of Monton had previously confirmed their intention to comply with the requirements of the enforcement notice in full before the due date and they had also advised that, having sought their own professional advice, they considered that their permitted development rights would be reinstated and it was their intention to construct a dormer extension to the roof in the future. Local residents had disputed that permitted development rights would be reinstated and the Interim Development Management Team Leader stated that further advice had been sought from Counsel and a further report would be brought before the Planning Committee at a future meeting.

Kate Bellwood addressed the Committee and explained she was speaking as a planning professional and on behalf of a number of local residents. She stated that she and local residents were pleased that the dormer was to be removed and thanked Members for their support. She went on to explain that there was a fault in the report as it did not set out the true position and she believed that the dormer could not be rebuilt without planning permission. She highlighted that regulations stated that a dormer was only permitted development when the original eaves were maintained or reinstated and the Planning Inspector had clearly ruled that the eaves had been raised and therefore permitted development was not applicable. Ms Bellwood stated that the regulations were black and white and she highlighted the need to establish how the eaves would be reinstated and also the need to provide proof of the original height of the eaves. She went on to explain that to be permitted development, the dormer would have to match the existing house appearance and that the applicant's proposed larger dormer, with additional glazing, would not match the existing house appearance. She highlighted the need to obtain clarification on how much glazing would be allowed under permitted development rules. Ms Bellwood stated that there was a need for Counsel to rule on whether the elevation was side or rear and she detailed the permitted glazing specifications on such elevations. She informed Members that the applicant had argued that the elevation was at the rear, and she stated that there was clear Government guidance on how to establish what

constituted the side and rear elevation of a property. She explained that Counsel representing the local residents had agreed, without reservation, that the dormer would be on the side elevation and she advised Members that the property had changed since the first certificate had been issued and that the Planning Inspector had ruled that the certificate was no longer valid. Ms Bellwood informed Members of the applicant's intention to build a bigger dormer with more glazing and she stated the urgency for clarification and communication of the findings to the applicant. She stated that if the applicant commenced building, an enforcement stop notice must be served immediately. She concluded her address by highlighting the urgency of the matter and how, for four years, the neighbour's lives had been impacted by the erection of the dormer.

Mr Paul Worthington, a local resident, addressed the Committee. He informed Members that the owners of Monton had said that once they had complied with the enforcement notice, it was their intention to build another box dormer and that the windows would be even more harmful to the neighbours. Mr Worthington advised Members that there were several reasons why a new dormer could not be built under permitted development rules. He explained that when the Planning Inspector had considered Monton's roof he had agreed that it had been raised unlawfully but planning permission had been granted. However, planning permission was not granted for the dormer. Mr Worthington informed Members that Point 21 of the Planning Inspector's decision stated that planning permission had not been granted for the dormer and the roof alteration works and that they were not, either individually or together, permitted development. In addition for a dormer to be lawful, the original eaves of a house must be reinstated or maintained. Mr Worthington went on to state that although the existing roof would be lawful it could not be enlarged under permitted development because the eaves had been raised and any new dormer would require planning permission. Mr Worthington concluded his address by stating that the box dormer had been built on the side of Monton and it had destroyed the privacy of neighbours for the past four years and once the enforcement had been complied with, it was time for the elevation to be clarified and the owners informed what they could and could not do. The neighbours did not want special treatment but wanted the rules regarding privacy to finally be respected.

The Interim Development Management Team Leader acknowledged the concerns raised during the public participation address and confirmed that questions had been forwarded to Counsel.

RESOLVED – That the report on unauthorised operational development at Monton, Cart Lane, Grange-over-Sands be noted.

**P/111**

**PLANNING APPLICATION NO. SL/2018/0925 - KENDAL FLOOD RISK MANAGEMENT SCHEME - KENDAL, NATLAND, SKELSMERGH AND SCALTHWAITERIGG, HELSINGTON**

*Kendal Flood Risk Management Scheme – Phase 1 Kendal Linear Defences, comprising works along the rivers Kent and Mint through Kendal including new and raised flood walls, new and raised flood embankments, ground raising, pumping station and associated changes to the public realm and landscaping. (Environment Agency).*

The Planning Officer presented Planning Application No. SL/2018/0925 which sought permission for Kendal Flood Risk Management Scheme – Phase 1. Members' attention was drawn to the late representations which had been circulated prior to the meeting and the Planning Officer informed Members that further late representations had been submitted from Kendal BID Board and Kendal Civic Society. He summarised the representation from Kendal BID Board and confirmed that both documents would be

circulated to Members. The Planning Officer explained that the content and summary of the late representations required their consideration. He went on to inform Members that he had been copied into four letters which requested that the Secretary of State call-in the application for determination. The Planning Officer explained the implications of the call-in procedure and offered brief responses to the key points raised by those who had made the request. He rejected the suggestion that the planning application had been rushed to meet the European Regional Development Fund (ERDF) funding deadline; he explained that the application had been dealt with in accordance with statutory deadlines and procedures and the appropriate publicity and consultation had been undertaken. He clarified the context of various responses from Historic England which he considered had been misrepresented in the submission to the Secretary of State and he did not agree with the suggestions that the applicant's Environmental Statement was inadequate and he directed Members to the content of the update for the Committee. In respect of the call-in request he rejected suggestions that the proposal was of national significance.

The Planning Officer explained that he was taking the committee report as read and that the purpose of his presentation was to use photographs, plans and visualisations to describe the scheme and explain the key planning considerations. He stressed however, that the presentation would inevitably not be able to cover all of the application detail and should not be regarded as a substitute for the report.

He informed Members that the Planning Application covered Phase 1 of the Kendal Flood Risk Management Scheme which would reduce the flood risk from events with a minimum return period of 1 in 20 years. He outlined the benefits of the scheme and informed Members that Phase 1 would remove 227 homes, 71 businesses and 80 community facilities from the direct risk of flooding up to a 1 in 20 year return period. The Planning Officer highlighted that completion of Phase 1 in isolation would cause an increased risk to a limited number of properties and stated that the Environment Agency (EA) had made it clear that it would be working with the owners of those properties to reduce the risk. He referred to ground and surface water drainage and explained that the EA was not responsible for ground and surface water drainage however, it had confirmed it would work with the Local Lead Flood Authority and United Utilities in this regard. The Planning Officer displayed further images and outlined the details of the series of non-return valves which were proposed. He went on to summarise the proposed defences along the length of the river and displayed images of the individual reaches of the river network, which were labelled A to L from north to south, and which outlined details of the series of new and repaired walls of varying heights and embankments which had been proposed. He explained that the images and drawings displayed reflected the fact that the ground levels changed along the length of the walls.

The Planning Officer went on to outline and display visualisations of the significant loss of trees and the impact on the townscape character and the mitigation measures which had been proposed. He highlighted the impact on biodiversity and informed Members that the EA was committed to mitigating the impact of the scheme and in some areas the EA planned to improve the biodiversity with woodland planting. The Planning Officer informed Members that a significant length of the proposed defences passed through the Kendal Conservation Area and he went on to outline details of the proposals extending from Stramongate Bridge, which included the installation of glass panels and stone-faced walling. He explained that the glass panels were one metre high and would be installed on plinths of differing heights. He also explained the harm to the Conservation Area that the scheme was likely to cause and he highlighted the loss of significant trees.

The Planning Officer outlined the proposals for Stock Beck pumping station and displayed a photograph of the type of above-ground kiosk which had been proposed. He went on to explain the tree removal and retention plans and highlighted that the EA had submitted a

revised proposal to reduce tree loss. The Planning Officer summarised the proposals for the replacement of the curtilage wall of Abbot Hall and explained that this would require Listed Building Consent. He displayed an aerial photograph of Abbot Hall and Holy Trinity Church and he explained that the proposal for both listed buildings was to provide improved resilience by the installation of property defences. He went on to outline the impact on the heritage assets of the area which included the Parish Hall, Kirkland Hall and Nether Hall and explained the assessments made in respect of harm to heritage assets; he drew Members' attention to the various pages of the report which provided more detail in this regard. He displayed a photograph taken from Nether Bridge and a visualisation which outlined the impact of the construction of a replacement wall and the associated tree loss on the character of the open space and he explained how it would sever the intimate relationship between the important buildings to the south and the riverside environment.

The Planning Officer displayed further visualisations of the view from Aynam Road across to Abbot Hall. He outlined the damaging impact of the tree loss along Aynam Road and explained that it was the size of the foundations for the walls which would damage the tree roots. He explained that replacement tree planting was proposed at a ratio of approximately 6.7 trees for every one lost, some of which would be semi-mature. He explained that the solid wall along Aynam Road would be punctuated by glass panels and informed Members that there was a significant opportunity for further landscape mitigation plans and a riverside path and seating in Miller Park. The Planning Officer outlined the proposals from Nether Bridge to Romney Bridge and the landscaping work to be undertaken in residential gardens at Riverdale Court. He informed Members that there would be an extensive embankment constructed on the west bank of the River Kent at Helsington Mills.

The Planning Officer concluded his presentation by summarising to Members that the report before them was candid and spelled out the benefits which would be derived from Phase 1. However, he also acknowledged the lasting and damaging impact to the landscape character, the harm to the main heritage assets through the centre of the town and to Kendal's conservation area. He explained that this was contrary to a number of Development Plan policies and he reminded Members of the legal presumptions in Sections 66 and 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990 to: (1) have special regard to the desirability of preserving listed buildings (including their setting; and (2) pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. He also stressed the wording in paragraph 193 that required 'great weight' to be given to the conservation of designated heritage assets, regardless of the magnitude of any harm. He explained that the committee report addressed, in considerable detail, the presumptions established in statute and in the National Planning Policy Framework (NPPF) and concluded, on balance, that the public benefits from Phase 1 outweighed the harm.

***Note – Members were provided with the late representation letters from the Kendal BID Board and Kendal Civic Society and given sufficient time to consider the contents.***

***Note – The Committee voted to adjourn for a break at 10.51 a.m. and reconvened at 11.02 a.m. when the same Members were present.***

Tim Farron, Member of Parliament for Westmorland and Lonsdale addressed the Committee. He stated that Members of Parliament typically remained neutral with regard to planning matters. However, he felt it was important on this occasion to speak out in order to win funding to deliver the Flood Risk Management Scheme, which would offer protection and peace of mind to those who had been affected by flooding. He highlighted

that the plans had taken three years to develop and informed Members that he still recalled his experiences helping residents through flood events over the past 10 years. He stated that he could not and would not forget those who lost everything, who were left homeless with their lives on hold and that the impact on their mental health had left some people in a state of panic and unable to sleep. He stated that he could not have looked the community in the eye if he had not addressed the Committee today. Mr Farron went on to highlight that following negotiation the EA had reconsidered the number of trees which would be lost and he informed Members that many of the replacement trees would be semi-mature trees and not saplings. He addressed concerns regarding the impact of the proposals on the character of Kendal and he highlighted Keswick and Cockermouth as towns which had been enhanced by the installation of flood defences. Mr Farron went on to remind Members of the picture of devastation on Shap Road and Mintsfeet and the damage to the economy following floods in recent years. Mr Farron concluded his address by stating the need for the upland water flow to be addressed and that nothing could be guaranteed. However, the risk of flooding would be reduced and it was important to have confidence in the future. Mr Farron urged the Committee to do what was right and vote for the proposals.

Councillor Giles Archibald, Leader of the Council and Ward Member for Kendal Town, addressed the Committee. He informed Members that horrific images of the aftermath of flooding remained in his mind and explained that he had been actively involved in the Flood Action Group. He stated that the Kendal Flood Risk Management Scheme was a robust three stage plan which had attracted European Regional Development funding of £5,000,000. He highlighted the protection which would be afforded to Mintsfeet Industrial Estate and went on to inform Members that as part of the scheme the EA had agreed to create a safe public walkway from Shap Road via the County Hall and beyond. Councillor Archibald explained that all three phases would be in jeopardy if Phase 1 was to be refused, that he was convinced the proposals were the best solution for Kendal and he assured Members that he would work hard to ensure Phases 2 and 3 were delivered. He went on to highlight his concern regarding climate change and greenhouse gasses and stated that the planting of six replacement trees for each tree lost would aid the absorption of greenhouse gasses. Councillor Archibald concluded his address by informing Members that he had spoken to residents in his Ward and stated that their anguish must be ended and he urged the Committee to approve the application.

Councillor Peter Thornton, Ward Member for Kendal Town, addressed the Committee. He explained that he was speaking as a Kendalian who had grown up by the River Kent. He highlighted the beauty of the river and the power it had provided, in years gone by, to the people of Kendal and how in contrast it could turn with unique savagery funnelled by the beautiful hills above Kendal. He explained that he had grown up with the sound of flood sirens and had watched the river breach its banks many times. Councillor Thornton went on to outline the 1972 flood alleviation scheme which had seen the river straightened and widened, walls built and trees cut down. He explained that the scheme had contained the river for 40 years, however, we were now more vulnerable than ever and recovery from flooding took years not days. He stated that it was possible to make homes more resilient to flooding but that there was also a need to do more and it was important to listen to and place trust in the Environment Agency. Councillor Thornton concluded his address by stating that this was the right scheme for Kendal and although it would have an impact, this would soften over time and he asked Members to approve the application.

Lorayne Wall addressed the Committee on behalf of Friends of the Lake District. She explained that Friends of the Lake District fully sympathised with those who had been affected by flooding and that they were neither ignorant nor unsympathetic to the impact of flooding. She stated that Kendal deserved better and that the proposal appeared to be a race to be seen to be doing something and to secure funding which was tied to an

arbitrary deadline. She went on to inform Members that downstream measures had been brought forward rather than dealing with upstream measures first which was recognised good practice, despite the further risk of flooding and that there was a risk that the further phases may not go ahead. She stated that all phases were required in order to deliver all the benefits claimed but only phase 1 had been assessed, which was contrary to planning guidance which stated that 'an application should not be considered in isolation if it was an integral part of a more substantial development and in such cases must be considered in the context of the whole development'. Ms Wall went on to state that the schemes could not be treated collectively when asserting the benefits and then presented as separate when assessing the impacts. She went on to highlight the concerns which had been raised by Historic England that the scheme had not changed sufficiently to alter their initial response and that visuals provided by the EA remained inadequate. She stated it was of concern that the Officer's report appeared to dismiss their concerns and that South Lakeland District Council's review of the EA's Landscape and Visual Impacts had concluded that some impacts were underestimated and cumulative sequential impacts were omitted. She went on to inform Members that many of those who supported the scheme believed it would protect them against another Storm Desmond. The EA had made it clear, even with all 3 phases, it would not. Climate change would mean more extreme events and the Officer's report had failed to mention that some support for the scheme was subject to certainty regarding Phases 2 and 3. Ms Wall concluded her address by stating that Friends of the Lake District understood that deciding to turn down the application would be a difficult decision but there must be a desire to do what was best in the long term and she urged Members to refuse the application.

Mr Martin Ainscough, Chairman of Trustees of Lakeland Arts, addressed the Committee. He explained that Lakeland Arts were the custodians of the Grade 1 listed Abbot Hall and owners of a group of listed buildings in the Kirkland area of Kendal and that Abbot Hall had suffered badly during the floods of December 2015 and sustained damages of over £1.5 million. He stated that the Trustees were aware of the impact of flooding on people's lives. Mr Ainscough went on to inform Members that the Trustees had negotiated, with the EA, the removal of the walls which had initially been proposed to be directly in front of Abbot Hall. However, it had been noted by the Trustees that the application stated that as an alternative, the Listed Buildings would be provided with improved resilience. However, the Trustees had received no details of this. He informed Members that the proposed £9,000,000 redevelopment of Abbot Hall incorporated improved resilience. Mr Ainscough explained that he was worried that the scheme may make flooding rather worse and he went on to outline the substantial harm which would be caused by the proposed walls and wholesale removal of trees on the other side of the river. He informed Members that the Officer's report did state that the residual impact was still considered to be harmful to the conservation area. Mr Ainscough went on to inform Members that: Phase 1 offered some protection to just 278 properties and that the impact of ground water flooding had not been considered; Phase 1 offered just 1 in 20 year event protection; and that many thought it could offer protection from events such as Storm Desmond a 1 in 200 year event. Mr Ainscough concluded his address by informing Members that English Heritage stated that the proposals would have a permanently harmful impact on the town's cherished river environment, that there was no clear or convincing justification for the destructive scheme and the Trustees of Lakeland Arts urged Members to look again at the proposals, to look at spending the money to increase the resilience of homes and business and not to be rushed into a decision by short term funding promises.

Kate Willshaw, a local resident, addressed the Committee. She explained that the EA's figures stated that the Phase 1 flood defences would prevent direct flooding for 170 dwellings and 227 businesses. Storm Desmond had flooded 2150 properties and Phase 1 would protect less than 19% of those who were flooded. In addition Phase 1 would raise the flood risk for a number of properties and the figure provided was unclear and did not

instil confidence. She went on to highlight paragraph 543 of the committee report which stated that there was no certainty that all three phases of the scheme would ever be completed. Ms Willshaw stated that the flood defences would not protect most of the people who had been flooded and that there had been misinformation. People had been hoodwinked into thinking that the proposed flood defences were the solution to what happened to them in 2015 and it had been said that Kendal needed the flood defences to improve the mental health of the people who had been flooded. She informed Members that there were other cheaper and far more effective flood resistance and resilience measures the EA could use to protect properties. Ms Willshaw informed Members that Cockermouth had been flooded three times since the installation of the flood defences. She explained that the flood wall along Aynam Road would trap exhaust fumes and went on to state that the defences would cause irreparable damage through the loss of trees, riverside views and access. She concluded her address by stating that the consequences of the scheme were too great a price to pay for such a low level of protection particularly when other options were available. Ms Willshaw urged the Members to refuse the application.

Mr Baynham-Hughes addressed the Committee in objection to the proposals. He stated that the Council had recently declared a climate emergency, which was an acknowledgement that extreme events, the scale of Storm Desmond, were likely to become more common and even worse. He went on to inform Members that emotional pleas would be made in favour of the application and he agreed that people should not be subject to the misery and disruption of an event like Storm Desmond, however, he did not believe that building walls through the town was the answer and it was not a matter of if hard defences would fail but when they would fail. He highlighted the failed flood defences in Appleby, Carlisle, Cockermouth and Keswick and informed Members that the solution to the failures had been to build more and higher defences, which in turn had been overwhelmed by subsequent events. Mr Baynham-Hughes stated that the proposed flood defence scheme was not a sustainable solution and he voiced concerns regarding the impact on the mental health of those previously affected, if the scheme did fail. He went on to inform Members that the only viable solution was to live with the floodwater as our forebears had and to make homes more resistant to the ingress of flood water and more resilient if it did enter and that a far greater return on investment would be achieved by helping people to protect their homes. Mr Baynham-Hughes outlined that the Phase 1 plans only offered protection against a 5% or 1 in 20 year event and that Storm Desmond was a 0.5% or 1 in 200 year event and stated that Phase 1 increased the flood risk to a number of properties which was contrary to national planning policy and the adopted policy of the Council. He went to explain that he could understand why the EA had not identified the 'at risk' properties and hoped that the EA were putting in place measures to make the properties more resistant and resilient to flooding. Mr Baynham-Hughes stated that the justification put forward was that the overall flood risk would be reduced by the completion of Phases 2 and 3 and would offer 1% protection and this created a problem, as the Officer's report stated that there was no certainty that the later phases would go ahead. Mr Baynham-Hughes concluded his address by urging the Committee to reject the application or to defer the decision to allow the environmental and cultural heritage impacts to be correctly addressed.

Jennifer Perry addressed the Committee in objection to the proposals. She began her address by highlighting that the EA's figure for the number of properties affected by Storm Desmond was 2,150 but the figure had not been broken down to provide further details. She stated that the EA had focused on river flooding and there was no real assessment of surface and groundwater flooding. Ms Perry stated that the EA had 'put all of its expensive eggs in one basket' and that the proposals were flawed and misleading. In addition, in the most recent edition of Kendal Town Council's newsletter there had been visuals which showed the proposed flood defence walls. However, there was no indication of the trees

to be felled. She highlighted the importance of Kendal as a national asset and asked who in their right mind would support felling 500 trees to build walls? Ms Perry went on to state that the visuals should not be believed, it was important to learn from past experience and it was vital to protect Kendal's economy.

James Anderson addressed the Committee on behalf of Kent (Westmorland) Angling Association. He informed Members that the association had been established in 1897 and stated that their concerns related to conservation and wildlife. He went on to highlight the river's cultural importance and its conservation designations as a Site of Special Scientific Interest and a Special Area of Conservation. Mr Anderson went on to outline the importance of the Atlantic salmon and our duty to save it. He stated that under Environmental Impact Assessment regulations, projects should not be 'salami sliced' and that surely the three phases of the scheme were one project. He highlighted the importance of riverbank trees which provide shade to fish and stated that there was a need to plant more trees. Mr Anderson went on to outline the proposals at Kentrigg which would involve laying thousands of tons of concrete and he explained that fish hated tunnels or closed culverts and there was a risk of severing ancestral spawning grounds. He informed Members that South Lakeland District Council's (SLDC's) policies CS 8.1 and CS 8.4 stated that we must protect species and their habitats and he went on to explain that the association were acutely aware of the devastating impact of flooding as members, friends and families had been flooded. He concluded his address by asking the Committee to protect Kendal's iconic species and river landscape.

Miss Meakin addressed the Committee in objection to the proposals. Ordnance Survey maps were displayed throughout her address. Miss Meakin explained that she had studied old maps to try to understand what had changed. She had looked back to the 1970's and studied the changes made by the river authority and she stated that there had been no trouble until 2015. Miss Meakin informed Members that she had been studying housing development in the areas at the bottom of hills and she highlighted how much Kendal had grown. She went on to highlight the issue related to run off from hard standings and outlined a scheme which had been introduced in Burnley which was a drainage channel with fins which slowed the flow of water down by throwing it sideways.

Sue Kennedy addressed the Committee in objection to the proposals. She informed Members that she had lived and worked in Kendal for over 40 years and was still a regular visitor to the town, with family and friends in the area. She cared deeply for the town and would like to see it adequately protected but had major concerns about the current plans, particularly if Phase 1 went ahead without Phases 2 and 3 being guaranteed. Ms Kennedy explained that her address would focus on one area, Aynam Road and she asked if it would be technically possible to deliver on the mitigation promises made. Ms Kennedy stated that she was concerned about the destruction of so many mature trees and the impact on the wild habitat. She acknowledged that the world was changing and that life moved on, however replacing a natural riverbank with a concrete wall, which would obliterate one of the best views of the tree lined river, would be to the detriment of this historical market town and a loss for future generations. Ms Kennedy went on to state that she had studied the plans and spoken to the EA and she was of the opinion that much of the buy-in had been gained by false or implied promises which included the presentations of photographs and stories from Storm Desmond, when the new defences would not protect Kendal against a storm of that magnitude; the publication of plans of the glass wall fronting the Waterside Café and the subsequent revision of the plans, due to the expense of the glass panels; and the misleading artist impressions of the green, tree lined riverbank at the South end of Aynam Road. Ms Kennedy concluded her address by asking the Committee to base their final decision on actual facts.

Jenny Wroe addressed the Committee on behalf of a number of residents from the Aynam Road area. She informed Members that all those she was representing had been directly affected by flooding. However, despite the damage to property and physical and mental health, they were all strongly opposed to the Phase 1 flood defences. Ms Wroe stated that the flood damage caused by Storm Desmond was from ground water and not river water. She informed Members that the proposal was to channel the river water to flow more quickly which would reduce the risk of flooding at Sandylands. The proposed wall would therefore be necessary to stop the river bursting its banks at Aynam Road. Ms Wroe stated that Aynam Road was the sacrificial lamb to the Sandylands area of town and that there was the potential for the wall to act as a dam during periods of high rainfall. She went on to highlight concerns regarding the hard edged aspects of the proposed engineering works which would ruin the feel and heart of the town. In addition the EA had made it clear that Phase 1 would not protect against a Storm Desmond type event and the residents felt it would be preferable to live with the risk rather than be faced with an 'eye sore' of a wall, day in and day out. Ms Wroe went on to state that no research had been conducted on the impact of the wall on noise and air quality and that the effectiveness of Phase 1 was reliant on separate works, within the Lake District National Park, which had not yet been funded, scoped or planning permission sought. She pointed out that if Phases 2 and 3 did not go ahead, Phase 1 would not work and the beauty of the town would have been ruined for nothing and that, in accordance with the EA's best practice guidelines, the upstream measures should be implemented first. Ms Wroe concluded her address by stating that the proposed scheme was not fit for purpose and requested that the plans were fully reviewed.

Marie Cartwright addressed the Committee in objection to the proposals. She informed Members that those who had already spoken had covered much of her representation. She stated that she was a proud Kendalian who had lived on Aynam Road for 40 years and had enjoyed the beautiful view of Abbot Hall. She explained that she had been flooded four times, three of which had been caused by groundwater and that her main concern was drainage of surface water into the river and the installation of the proposed non-return valves. Mrs Cartwright concluded her address by explaining that she was worried that the proposed wall would stop surface water draining into the river and that during Storm Desmond she had observed standing water along Aynam Road and that spades had been used to remove the mud and debris, trapped between the railings, to allow the surface water to drain.

Mr Adrian Phillips, a resident of Aynam Road, addressed the Committee and explained that, having been informed by recent neighbourhood meetings, he was speaking impartially. He felt it was not possible to make a decision due to the incomplete nature of preparations and that regardless of the decision made, the process had to be logical, balanced and informed. Mr Phillips acknowledged that there were strong arguments for and against the proposals, however, the process needed to be complete and it was not. He went on to state that for the 99.9% of the time when the flood defences were not required, the defences would still have to be lived with and as admirable as the proposed public works, such as parks and cycle paths, were they were a side effect of the scheme. Mr Phillips informed Members that he was not convinced that there was a clear understanding of the practical impact of the scheme on residents and he requested that there should be a reasonable postponement to the decision to allow necessary studies and for consultation with residents to be concluded.

Sinead McCann addressed the Committee, in the absence of Gail Howarth and on behalf of the Burneside Flood Resilience Team. She informed the Committee that the Flood Resilience Team had been formed by the Burneside Resident's Association and had 300 members. She went on to explain that the team had reviewed the information made available by the EA and had listened to the 'for and against' arguments from local

residents and they were firmly in support of Phase 1. She explained that the over 60 possible solutions had been taken into account and that the EA had used technology and flood modelling and met with residents and local flood groups. Ms McCann went on to explain that the scale of the Phase 1 proposal was suitable for the impact of further flooding and that the future phases would offer protection to homes and businesses which had been repeatedly affected. The group understood that the phased order was due to financial constraints and the priority for the funding available. She stated that the Burneside Flood Resilience Team felt that visually the scheme worked and it was well balanced with the walls and glass sections. Ms McCann explained that Burneside would be part of the Phase 2 scheme and it was felt that this could not come soon enough, as Burneside properties flooded once or twice a year, every year. She went on to inform Members that Burneside was still suffering the effects of Storm Desmond, the village was still without a bridge and consequently residents were living in a divided community. Residents lived on high alert and when there was heavy rainfall they would sit night after night watching the river levels and preparing for breaches. In addition local fields would be pumped out to allow for increased catchment. Ms McCann concluded her address, on behalf of Burneside Flood Resilience Team, and stated that the once the three phases were completed the flood risk would be less and the upland storage would be better. The walls within the EA's plans would not destroy lives but floodwaters would and she informed Members that Burneside Flood Resilience Team wholeheartedly supported the Phase 1 plans as proposed and that the local community were aware that the scheme would not offer protection against a storm Desmond-type event.

Maggie Mason addressed the Committee on behalf of the South Lakes Flood Action Partnership and explained that the partnership was an umbrella group for Flood Action Groups (FLAG) within the area and that she was also the Chair of North East Kendal's FLAG. She informed Members that she had been involved in the Storm Desmond flood recovery work and, as a retired town planner, throughout the recovery period she had given consideration to why and how the flood had happened and if it would be likely to happen again. Mrs Mason stated that Phase 1 was before the District Council for a decision and funding was ready. She went on to highlight that there had been misinformation on social media regarding the appearance of the linear defences however, since then drawings and visualisations had become available. Mrs Mason outlined the different ways in which people moved through and experienced the town and she acknowledged that Phase 1 would involve change and that some people would gain and some would lose. In addition, those with an interest in heritage may think that the proposals were disastrous. Mrs Mason concluded her address by outlining the impacts, if the application was to be refused, and she urged Members to vote yes to the proposal.

Nick Edwards addressed the Committee and informed Members that he was a resident of Castle Crescent and he was representing the Castle Street Flood Action Group. He began his address by stating that he echoed Councillor Archibald's sentiments and went on to explain that being flooded was hugely distressing and disrupting and that Storm Desmond had flooded every property on Castle Crescent and many on the surrounding streets. He outlined the emotional scars caused to himself and his wife by being displaced from their home and community for six months. He explained that for some neighbours the repair work had taken years to complete and stated that the impact on residents was appalling. Mr Edwards went on to explain that flood damage had extended to commercial premises and that the economic impact on businesses had been immeasurable. He informed Members that there was a fear in the community that if Phase 1 was not approved, effective flood defences would not be constructed. He went on to quote from paragraph 115 of the Officer's report which stated that if Phase 1 was refused that the EA would be unlikely to progress further with Phases 2 and 3. Mr Edwards stated that he understood from the EA that the £56 million scheme was reliant on partnership funding and that the funds were available only for a limited period. He outlined the consultation process carried

out by the EA throughout 2017 and 2018 and explained that the preferred option had been further revised in late 2018 and was the application presented to Members for consideration. Mr Edwards concluded his address by stating that the application was the most economically viable, technically feasible, environmentally sustainable and socially acceptable of all of the options considered. He stated that Members had the opportunity to have a positive impact on many lives and he asked Members to support the recommendation.

Sinead McCann addressed the Committee on behalf of the Benson and Sandes Flood Action Group and she explained the group covered a bowling club, a church and 20 homes, all of which flooded in December 2015. She informed Members that the group had worked closely with the EA and other Flood Action Groups and she outlined the ways in which flooding affected people and communities. Ms McCann informed Members that three neighbours had not returned to their homes after Storm Desmond, as they felt unable to face coming back. She highlighted that residents understood that they were likely to be flooded again and that they had installed resilience measures to aid a more speedy recovery process. She went on to outline that the proposed flood defences would stop properties from flooding, in an event less than Storm Desmond conditions, and that there was an expectation for the EA and the Local Authority to do what they could to protect homes, businesses and community buildings and to reduce the likelihood of flooding. Ms McCann highlighted that the proposed scheme would improve and enhance some areas of the town and there would be significant investment in the public realm of Kendal. She concluded her address by outlining the emotions she had experienced over the past three years whilst studying the proposed flood defence options and she implored Members to approve the application.

Barbara Tonge, a resident of Aynam Road, addressed the Committee and explained that she had experienced flooding and was speaking today as a person who loved the town and who was concerned about the wellbeing and welfare of businesses and facilities in the town. She explained that she was environmentally aware and that flood risk in the 21<sup>st</sup> Century was very different to that in the 1970's. Mrs Tonge went on to inform Members that she had studied the 60 available options and had spoken to representatives of the EA. She explained that Phase 1 had to come first as Government and European funding could only be used for linear flood defences and that if the application was turned down, the funding would go elsewhere. She stated that it was important to be practical and asked for some assurance that Phases 2 and 3 would follow, as Phase 1 would not work on its own. Mrs Tonge concluded her address by outlining her own experience of Storm Desmond and highlighting that the residents of the Alms Houses on Aynam Road had been out of their homes for two and a half years and she stated that it was important to protect the town from flooding in the best way possible.

Mr David Evans addressed the Committee in support of the proposals and stated that today was the most important day in the history of SLDC's Planning Committee and it was the opportunity to do the right thing and put right some previous mistakes. He outlined previous planning applications which had been granted without full consideration of the flooding risk and stated that some developers had taken the money and left the scene and that Kendal deserved better. Mr Evans went on to inform Members that the £3 million Stock Beck scheme had already failed twice and was not up to the task. He explained that many people, who were in opposition to the scheme, described the River Kent as the heart of Kendal and he stated that Kendal's heart beat in the people of Kendal. Mr Evans concluded his address by stating that the work must be carried out and it was an opportunity to put things right and to demand a better future by approving the application.

Shirley Evans, County Councillor for Kendal Nether Division, addressed the Committee and explained that she had attended the EA's consultation meetings with the residents of

Aynam Road and that at the meetings she had seen the EA listen to concerns and to make every attempt to modify the plans to protect residents and businesses. Councillor Evans stated that she was totally convinced that the scheme would work and that it would protect homes and reduce the flood risk. She went on to highlight the loss, hardship and devastation which had been caused by Storm Desmond and stated that flood statistics provided numbers but did not convey the reality of the devastation. Councillor Evans highlighted the need to do everything possible to stop future flooding and stated that Officers had commended the scheme as one which offered significant public benefit, safe and secure homes and peace of mind. Councillor Evans concluded her address by urging Members to resolve to grant approval for the scheme.

Kendal Town Councillor Jonathan Cornthwaite addressed the Committee and explained that he was speaking in favour of the application as Councillor for Mintsfeet Ward and on behalf of the Mintsfeet flood action group and the newly formed Kendal Town Council Flood Relief Scheme Working Group. He stated that taking into account the numerous genuine concerns which had been raised regarding the impact on the town and the local communities, which would be caused by the planned engineering works and the impact and legacy of the finished plan, it was important to stipulate a requirement for the EA to work with interested parties. In addition it was important to achieve a balance between protection and enhancement and damage limitation and to ensure that any future development in the industrial north of Kendal would not adversely add to the water levels throughout Kendal or undermine any protection scheme. Councillor Cornthwaite concluded his address by asking Members to have trust and approve the scheme.

Mr Stewart Mounsey addressed the Committee on behalf of the Environment Agency. He explained that the EA were the Government's national advisor, expert and delivery agent and they work to create better places for people and wildlife. Mr Mounsey expressed his thanks to all those who had contributed following Storm Desmond and went on to explain that 60 flood relief options had been considered. He acknowledged the comments and concerns made during the representations and informed Members that the EA's proposals were made up of three schemes: Phase 1 – Kendal linear defences; Phase 2 – linear defences in the villages of Burneside, Staveley and Ings; and Phase 3 – upstream storage on the River Kent. Mr Mounsey went on to stress that the flood management scheme would not offer the level of protection required for a Storm Desmond event. However, he stated that it was hoped that the Phase 1 design had been improved and he informed Members that Phase 1 was a £16 million investment which would deliver protection for the direct risk of flooding in events up to a 1 in 20 year return period.

***Note – The Committee voted to adjourn for a break at 12.17 p.m. and reconvened at 12.52 a.m. when the same Members were present.***

In further presenting the report, the Planning Officer informed Members that the Victorian Society had submitted a late representation in which they had requested to add their voice to the request for the application to be called-in to the Secretary of State. The Planning Officer went on to acknowledge and respond to points raised by the public participants. He highlighted the paragraphs of the report which covered Historic England's concerns; air quality; noise impact; biodiversity; and the conditions contained within the recommendation of the report. The Interim Development Management Team Leader advised Members that all of the issues which had been raised during public participation had been considered within both the Officer's report and the late information report.

The Planning Officer responded to questions raised by Members. He informed the Committee that the EA was making progress with Phases 2 and 3 however, these were at an early stage and he confirmed that the EA had pressed on with Phase 1 in order to secure funding. He stated that Phases 1, 2 and 3 were an integrated scheme however,

there was no guarantee that Phases 2 and 3 would go ahead. The Planning Officer outlined the areas where access to the river would be available for recreational activities. He provided further detail regarding the finishes to the walls and in response to a question regarding Phase 3 being within a protected area, he confirmed that the Lake District National Park Authority would ultimately resolve any issues. In conclusion and in response to a question regarding surface water being trapped by the linear defences, he advised that the EA had indicated that there was a low risk of the wall making the situation worse.

Members thanked the Planning Officer for the comprehensive report and presentation. They gave consideration to the protection offered by Phase 1, the loss of trees and the planned mitigation for the loss and the comments of those who were opposed to the scheme. Members agreed there were benefits and risks to the scheme.

RESOLVED – That the application be approved subject to the following:

It is recommended that Members approve the application and delegate authority to the Director (People and Places) or, if granted after 1 April 2019, to the Director (Customer and Commercial Services) to grant planning permission subject to the following:-

- (A) Confirmation that the Secretary of State does not wish to call in the application for his own determination.
- (B) Acknowledging the Environment Agency as the lead competent authority in undertaking the Habitat Regulations Assessment necessary to meet the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017.
- (C) Adopting the Environment Agency's final Habitat Regulations Assessment, Draft 8 dated 11 March 2019, (signed by Natural England) for the purposes of meeting the Council's obligations under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.
- (D) The following conditions:
  1. The development hereby permitted shall be commenced before the expiration of THREE YEARS from the date hereof.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

#### **Red line boundary Plans**

- Red line boundary Sheet 1 ENV0000489C-CAA-IZ01-3KD-DR-PL-0001
- Red line boundary Sheet 2 ENV0000489C-CAA-IZ01-3KD-DR-PL-0002
- Red line boundary Sheet 3 ENV0000489C-CAA-IZ01-3KD-DR-PL-0003
- Red line boundary Sheet 4 ENV0000489C-CAA-IZ01-3KD-DR-PL-0004
- Construction Access and Site Compounds
- Construction Access and Site Compounds 1 ENV0000489C-CAA-IZ01-3KD-DR-PL-0005
- Construction Access and Site Compounds 2 ENV0000489C-CAA-IZ01-3KD-DR-PL-0006
- Construction Access and Site Compounds 3 ENV0000489C-CAA-IZ01-3KD-DR-PL-0007

- Construction Access and Site Compounds 4 ENV0000489C-CAA-IZ01-3KD-DR-PL-0008

### **General Arrangement Plans**

- General Arrangement Reach Overview ENV0000489C-CAA-IZ01-3KD-DR-C-0101.P05
- General Arrangement Reach A ENV0000489C-CAA-IZ01-3KD-DR-C-0102.P05
- General Arrangement Reach B ENV0000489C-CAA-IZ01-3KD-DR-C-0103.P05
- General Arrangement Reach C1 ENV0000489C-CAA-IZ01-3KD-DR-C-0104.P06
- General Arrangement Reach C2 ENV0000489C-CAA-IZ01-3KD-DR-C-0105.P06
- General Arrangement Reach D ENV0000489C-CAA-IZ01-3KD-DR-C-0106.P05
- General Arrangement Reach E ENV0000489C-CAA-IZ01-3KD-DR-C-0107.P05
- General Arrangement Reach F1 ENV0000489C-CAA-IZ01-3KD-DR-C-0108.P06
- General Arrangement Reach F2 ENV0000489C-CAA-IZ01-3KD-DR-C-0109.P05
- General Arrangement Reach G1 ENV0000489C-CAA-IZ01-3KD-DR-C-0110.P06
- General Arrangement Reach G2 ENV0000489C-CAA-IZ01-3KD-DR-C-0111.P06
- General Arrangement Reach H ENV0000489C-CAA-IZ01-3KD-DR-C-0112.P06
- General Arrangement Reach I ENV0000489C-CAA-IZ01-3KD-DR-C-0113.P05
- General Arrangement Reach J ENV0000489C-CAA-IZ01-3KD-DR-C-0114.P05
- General Arrangement Reach K ENV0000489C-CAA-IZ01-3KD-DR-C-0115.P05
- General Arrangement Reach L ENV0000489C-CAA-IZ01-3KD-DR-C-0116.P05

### **Cross Sections**

- Section Embankment A&B ENV0000489C-CAA-IZ01-3KD-DR-C-0201.P03
- Section Embankment C&D ENV0000489C-CAA-IZ01-3KD-DR-C-0202.P03
- Section Floodgate Dble&Sgle ENV0000489C-CAA-IZ01-3KD-DR-C-0203.P02
- Section Floodgate 4m Dble ENV0000489C-CAA-IZ01-3KD-DR-C-0204.P02
- Section Floodwall A1 A2 A3 A5 ENV0000489C-CAA-IZ01-3KD-DR-C-0205.P02
- Section Floodwall B1 B2 B3 B4 B5 ENV0000489C-CAA-IZ01-3KD-DR-C-0206.P02
- Section Floodwall C1 C2 C3 C4 C5 ENV0000489C-CAA-IZ01-3KD-DR-C-0207.P02
- Section Floodwall D1 D3 D4 D5 ENV0000489C-CAA-IZ01-3KD-DR-C-0208.P02
- Section Floodwall E3 H3 H4 H5 ENV0000489C-CAA-IZ01-3KD-DR-C-0209.P02
- Section Floodwall I3 I4 I5 J3 ENV0000489C-CAA-IZ01-3KD-DR-C-0210.P03
- Section Floodwall J4 J5 K6 L6 R7 ENV0000489C-CAA-IZ01-3KD-DR-C-0211.P03
- Landscaping Reach J ENV0000489C-CAA-IZ01-3KD-DR-C-0212.P01

### **Landscape Masterplan**

- Landscape Masterplan Reach Overview ENV0000489C-CAA-IZ01-3KD-DR-L-0301.P05
- Landscape Masterplan Reach A ENV0000489C-CAA-IZ01-3KD-DR-L-0302.P05
- Landscape Masterplan Reach B ENV0000489C-CAA-IZ01-3KD-DR-L-0303.P06
- Landscape Masterplan Reach C ENV0000489C-CAA-IZ01-3KD-DR-L-0304.P06
- Landscape Masterplan Reach D ENV0000489C-CAA-IZ01-3KD-DR-L-0305.P05
- Landscape Masterplan Reach E ENV0000489C-CAA-IZ01-3KD-DR-L-0306.P05
- Landscape Masterplan Reach F1 ENV0000489C-CAA-IZ01-3KD-DR-L-0307.P07
- Landscape Masterplan Reach F2 ENV0000489C-CAA-IZ01-3KD-DR-L-0308.P05
- Landscape Masterplan Reach G1 ENV0000489C-CAA-IZ01-3KD-DR-L-0309.P07
- Landscape Masterplan Reach G2 ENV0000489C-CAA-IZ01-3KD-DR-L-0310.P04
- Landscape Masterplan Reach H ENV0000489C-CAA-IZ01-3KD-DR-L-0311.P06
- Landscape Masterplan Reach I ENV0000489C-CAA-IZ01-3KD-DR-L-0312.P05

- Landscape Masterplan Reach J ENV0000489C-CAA-IZ01-3KD-DR-L-0313.P05
- Landscape Masterplan Reach K ENV0000489C-CAA-IZ01-3KD-DR-L-0314.P06
- Landscape Masterplan Reach L ENV0000489C-CAA-IZ01-3KD-DR-L-0315.P05

### **Tree removal and retention**

- Tree removal and retention Plan A ENV0000489C-CAA-IZ01-3KD-DR-EN-1001.P04
- Tree removal and retention Plan B ENV0000489C-CAA-IZ01-3KD-DR-EN-1002.P03
- Tree removal and retention Plan C ENV0000489C-CAA-IZ01-3KD-DR-EN-1003.P04
- Tree removal and retention Plan D ENV0000489C-CAA-IZ01-3KD-DR-EN-1004.P04
- Tree removal and retention Plan E ENV0000489C-CAA-IZ01-3KD-DR-EN-1005.P03
- Tree removal and retention Plan F ENV0000489C-CAA-IZ01-3KD-DR-EN-1006.P03
- Tree removal and retention Plan G ENV0000489C-CAA-IZ01-3KD-DR-EN-1007.P03
- Tree removal and retention Plan H ENV0000489C-CAA-IZ01-3KD-DR-EN-1008.P04
- Tree removal and retention Plan I ENV0000489C-CAA-IZ01-3KD-DR-EN-1009.P03
- Tree removal and retention Plan J ENV0000489C-CAA-IZ01-3KD-DR-EN-1010.P03
- Tree removal and retention Plan K ENV0000489C-CAA-IZ01-3KD-DR-EN-1011.P03
- Tree removal and retention Plan L ENV0000489C-CAA-IZ01-3KD-DR-EN-1012.P03
- Tree removal and retention Plan M ENV0000489C-CAA-IZ01-3KD-DR-EN-1013.P03
- Tree removal and retention Plan N ENV0000489C-CAA-IZ01-3KD-DR-EN-1014.P03
- Tree removal and retention Plan O ENV0000489C-CAA-IZ01-3KD-DR-EN-1015.P04
- Tree removal and retention Plan P ENV0000489C-CAA-IZ01-3KD-DR-EN-1016.P03

### **Elevations**

- Elevation plan 1 ENV0000489C-CAA-IZ01-3KD-DR-C-1201.P02
- Elevation plan 2 ENV0000489C-CAA-IZ01-3KD-DR-C-1202.P02
- Elevation plan 3 ENV0000489C-CAA-IZ01-3KD-DR-C-1203.P02
- Elevation plan 4 ENV0000489C-CAA-IZ01-3KD-DR-C-1204.P02
- Elevation plan 5 ENV0000489C-CAA-IZ01-3KD-DR-C-1205.P02
- Elevation plan 6 ENV0000489C-CAA-IZ01-3KD-DR-C-1206.P02
- Elevation plan 7 ENV0000489C-CAA-IZ01-3KD-DR-C-1207.P02
- Elevation plan 8 ENV0000489C-CAA-IZ01-3KD-DR-C-1208.P02
- Elevation plan 9 ENV0000489C-CAA-IZ01-3KD-DR-C-1209.P02
- Elevation plan 10 ENV0000489C-CAA-IZ01-3KD-DR-C-1210.P02
- Elevation plan 11 ENV0000489C-CAA-IZ01-3KD-DR-C-1211.P02
- Elevation plan 12 ENV0000489C-CAA-IZ01-3KD-DR-C-1212.P02
- Elevation plan 13 ENV0000489C-CAA-IZ01-3KD-DR-C-1213.P02
- Elevation plan 14 ENV0000489C-CAA-IZ01-3KD-DR-C-1214.P02

- Elevation plan 15 ENV0000489C-CAA-IZ01-3KD-DR-C-1215.P02
- Elevation plan 16 ENV0000489C-CAA-IZ01-3KD-DR-C-1216.P02
- Elevation plan 17 ENV0000489C-CAA-IZ01-3KD-DR-C-1217.P02
- Elevation plan 18 ENV0000489C-CAA-IZ01-3KD-DR-C-1218.P02
- Elevation plan 19 ENV0000489C-CAA-IZ01-3KD-DR-C-1219.P02
- Elevation plan 20 ENV0000489C-CAA-IZ01-3KD-DR-C-1220.P02
- Elevation plan 21 ENV0000489C-CAA-IZ01-3KD-DR-C-1221.P02
- Elevation plan 22 ENV0000489C-CAA-IZ01-3KD-DR-C-1222.P02
- Elevation plan 23 ENV0000489C-CAA-IZ01-3KD-DR-C-1223.P02
- Elevation plan 24 ENV0000489C-CAA-IZ01-3KD-DR-C-1224.P02
- Elevation plan 25 ENV0000489C-CAA-IZ01-3KD-DR-C-1225.P02

### **Stock Beck Pumping Station proposals**

- General Arrangement ENV0000489C-CAA-IZ01-3E0-DR-C-0105.P03
- Details of Structures 01 ENV0000489C-CAA-IZ01-3E0-DR-C-0201.P03
- Details of Structures 02 ENV0000489C-CAA-IZ01-3E0-DR-C-0202.P02

Reason: For the avoidance of doubt and in the interests of proper planning.

### **Phasing**

3. No development shall commence until a construction phasing plan has been submitted to, and approved in writing by, the local planning authority. The purpose of the phasing plan is to establish discrete geographical areas in which, once pre-commencement conditions pertaining to that area have been discharged, development can proceed ahead of other areas where compliance with pre-commencement conditions might remain outstanding. The phasing plan is not intended to dictate the order in which different elements of the scheme can progress, nor to prevent different elements proceeding simultaneously.

Thereafter, the development shall proceed in accordance with the agreed construction phasing plan.

Reason: To ensure that the construction proceeds in a manner that minimises disruption to local amenity.

### **Public art and interpretation strategy**

4. No development shall commence until a public art and interpretation strategy for the entire development has been submitted to, and approved in writing by, the local planning authority. The principles agreed in the strategy will then need to be reflected in the further details required by subsequent conditions, where relevant and specified.

Reason: To ensure the development achieves a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy, and saved Policy S2 of the South Lakeland Local Plan.

### **Materials and finishes**

5. No cladding of any wall type incorporating stone facing as shown on the approved plans shall commence until a sample panel detailing: (1) the type of stone to be used (which, for the avoidance of doubt, shall be locally-sourced natural stone for both cladding and coping); and (2) the proposed bedding, coursing, sizing, style and pointing of the stone; has been constructed and approved in writing by the local planning authority.

Thereafter, construction of all stone-faced wall types shall be completed in accordance with the approved sample panel.

Reason: To ensure the development achieves a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy, and saved Policy S2 of the South Lakeland Local Plan.

6. No work shall commence on the erection of the stone faced flood defence wall on the eastern bank of the River Kent immediately downstream of Miller Bridge until further details of the interface between the wall and the existing railings and stone pier have been submitted to, and approved in writing by, the local planning authority. Thereafter, the work to this section shall be completed in accordance with the approved details.

Reason: To ensure the development achieves a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy, and saved Policy S2 of the South Lakeland Local Plan.

7. No wall type incorporating a printed or patterned concrete finish shall be so finished until a sample panel has been prepared and approved in writing by the local planning authority. The print or pattern should adhere to the principles established in the public art and interpretation strategy referred to in condition 4 above. Thereafter, construction of all wall types incorporating a printed or patterned concrete finish shall be completed in accordance with the approved sample panel.

Reason: To ensure the development achieves a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy, and saved Policy S2 of the South Lakeland Local Plan.

8. No work on any wall type incorporating glass panels shall commence until a specification for the panels has been submitted to, and approved in writing by, the local planning authority. The specification shall comprise: (1) confirmation of the use of self-cleaning glass; (2) details of the materials proposed for the construction of the frames; and (3) principles established in the public art and interpretation strategy referred to in condition 4 above.

Reason: To ensure the development achieves a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy, and saved Policy S2 of the South Lakeland Local Plan.

9. No work shall commence on the installation of the wall type incorporating glass panels on the western bank of the River Kent on the sloping ground immediately downstream of the retained stone pier at Miller Bridge until further details of the proposed elevational treatment of the panels has been submitted to, and approved in writing by, the local planning authority. Thereafter, the work to this section shall be completed in accordance with the approved details.

Reason: To ensure the development achieves a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy, and saved Policy S2 of the South Lakeland Local Plan.

10. No work shall commence on the installation of handrails until details have been submitted to, and approved in writing by, the local planning authority. The style and method of fixing of handrails should adhere to the principles established in the public art and interpretation strategy referred to in condition 4 above.

Reason: To ensure the development achieves a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy, and saved Policy S2 of the South Lakeland Local Plan.

11. No individual floodgate shall be first installed until details of its design have been submitted to, and approved in writing by, the local planning authority. The detailed design of each floodgate should adhere to the principles established in the public art and interpretation strategy referred to in condition 4 above.

Reason: To ensure the development achieves a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy, and saved Policy S2 of the South Lakeland Local Plan.

12. No work on the control kiosk serving the Stock Beck Pumping Station shall commence until full elevational details at a scale of 1:100, plus details of the proposed natural walling and roofing materials, have been submitted to, and approved in writing by, the local planning authority. Thereafter, the control kiosk shall be completed in accordance with the approved details.

Reason: To ensure the development achieves a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy, and saved Policy S2 of the South Lakeland Local Plan.

13. For the avoidance of doubt, and notwithstanding any indications to the contrary on the approved plans, any existing walls to be repaired and/or taken down and rebuilt shall be repaired/rebuilt in material salvaged from the existing wall, and/or from new matching material, details of which shall first have been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that existing stone walls are retained in order to preserve the character of the area.

### **Landscaping**

14. No individual phase of development, as agreed in compliance with condition 3 above, shall commence until a detailed landscaping scheme for that phase has been submitted to, and approved in writing by the local planning authority. The landscaping scheme shall accord with: (1) the principles shown on the approved Landscape Mitigation Plan(s); (2) the numbers and disposition of trees shown in Table 10.6 of the associated Environmental Statement; and (3) the principles established in the public art and interpretation strategy referred to in condition 4 above. The details of the landscaping scheme shall comprise: (i) planting plans; (ii) written specifications and schedules of proposed plants noting species, planting sizes and proposed numbers/densities; (iii) the extent and depth of wetland scrapes and water features (where relevant); (iv) samples of surfacing materials for paths, tracks and other public amenity area; (v) furniture; (vi) an implementation timetable; and (vii) a schedule of landscape maintenance proposals for a period of not less than 10 years from the date of completion of the scheme for that individual phase. Thereafter, the approved landscaping scheme shall be implemented and maintained in accordance with the agreed details and timetable.

Reason: To ensure that adverse visual effects are mitigated as quickly and effectively as possible.

15. Except where covered by the phased landscaping details approved in accordance with condition 14 above, within one month of the completion of the development approved

by this permission the various compound/storage/stockpile areas shown on the approved "Kendal FRMS Temporary Construction Access and Compounds" drawings shall be reinstated in accordance with a specification that shall first have been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that adverse visual effects are mitigated as quickly and effectively as possible.

### **Tree removal and protection**

16. No development shall commence until a method statement detailing how the authorised removal of trees will be managed during the course of the construction process has been submitted to, and approved in writing by, the local planning authority. The method statement will set out the timescales for removal of trees within each of the phases agreed in compliance with condition 3 above, prioritising the retention of trees for as long as is practicably possible having regard to the requirements of other conditions imposed on this consent and other legislative responsibilities, i.e. those imposed by the Wildlife and Countryside Act 1981. Thereafter, tree removal shall proceed in accordance with the agreed method statement.

Reason: To ensure that the authorised removal of trees proceeds in a manner than minimises the loss of amenity.

17. No individual phase of development, as agreed in compliance with condition 3 above, shall commence until those individual trees and groups of trees shown to be retained on the relevant Tree Removal and Retention Plans have been protected in accordance with details that shall first have been submitted to, and approved in writing by, the local planning authority. Thereafter, the implemented protection measures shall be maintained for the duration of construction works within that phase of the development.

Reason: To ensure that those trees shown for retention are adequately protected before development commences.

### **Archaeological recording**

18. No individual phase of development, as agreed in compliance with condition 3 above, shall commence until implementation of a programme of archaeological work in accordance with a written scheme of investigation that shall first have been submitted to, and approved in writing by, the local planning authority. For the avoidance of doubt, "development" in this context shall not include any clearance of vegetation, felling of trees, or undertaking of any groundworks necessary to inform the required written scheme of investigation.

Reasons: (i) to afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains; (ii) to ensure that permanent records are made of the heritage assets of architectural and historic interest prior to their alteration as part of the proposed development.

19. If the works require the "riverside steps and stone flag plinth" marked on approved plan "General Arrangement Reach G1 ENV0000489C-CAA-IZ01-3KD-DR-C-0110.P06" to be removed and reinstated then this shall be undertaken in accordance with a specification that shall first have been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure the retention of this historically significant feature.

### **Traffic**

20. No individual phase of development, as agreed in compliance with condition 3 above, shall commence until a Transport Assessment / Construction Traffic Management Plan (TA/CTMP) for that phase has been submitted to, and approved in writing by, the local planning authority. The TA/CTMP shall include details of:

- the numbers and types of vehicles associated with construction;
- construction vehicle routing;
- the pre-construction road condition established by a detailed survey for accommodation works within the highways boundary;
- arrangements for the parking of vehicles of site operatives and visitors;
- arrangements for loading and unloading of plant and materials;
- storage arrangements for plant and materials used in constructing the development;
- measures to control noise and vibration from plant, equipment and development processes;
- measures for cleaning of site entrances and the adjacent public highway;
- proposed wheel washing facilities;
- the arrangements for the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- surface water management details during the construction phase

Construction lighting should be designed to negate light spillage from site boundaries and mitigate glare.

Thereafter, development of each phase shall proceed in accordance with the relevant TA/CTMP.

TA/CTMPs for development beyond the first phase shall address the cumulative effects of earlier phases.

Reason: In the interests of ensuring highway safety and efficiency, and to ensure that the highway network has sufficient capacity to safely accommodate the increased levels of construction traffic. To keep the impact of construction traffic on the amenity of local residents and other road users to acceptable levels.

### **Surface water**

21. Every phase of development, as agreed in compliance with condition 3 above, in which linear defences coincide with areas at risk of surface water flooding (identified on figures 4-1, 4-2 and 4-3 within the Flood Risk Assessment (Kendal flood risk management scheme - Phase 1 Kendal Linear Defences) January 2019) shall incorporate measures to allow the disposal of surface water into the river in conditions when the level of the river would not otherwise prevent it. The details of such measures shall first have been submitted to, and approved in writing by, the local planning authority.

Reason: To safeguard against flooding from surface water to neighbouring sites.

22. Any surface water drainage outfalls encountered during construction shall be logged and the logbook shall be shared with the Local Planning Authority on a weekly basis. The logbook shall note the location of the outfall with an assessment of the drainage area that they serve. On site, a drainage engineer shall consider the likelihood of

increased flood risk to people and property due to the proposal and appropriate mitigation shall be taken if required. Any mitigation and reasoning should be recorded in the logbook and approved in writing by, the local planning authority prior to the completion of the development.

Reason: To safeguard against flooding from surface water elsewhere.

### **Air quality**

23. No individual phase of development, as agreed in compliance with condition 3 above, shall commence until mitigation measures to control dust during the course of construction works (as recommended in Table 7.24 of the Environmental Statement submitted in support of this application) has been submitted to, and approved in writing by, the local planning authority. Thereafter, the agreed mitigation measures shall be retained for the duration of construction works in the relevant phase.

Reason: To keep disruption to local amenity to a minimum.

### **Working hours**

24. No building work or associated deliveries shall occur on Bank Holidays or otherwise outside the hours of 0800 – 1800 Monday to Saturday without the prior written agreement of the local planning authority.

Reason: To safeguard amenity.

### **Contamination**

25. No individual phase of development, as agreed in compliance with condition 3 above, shall commence until a Phase One Assessment and conceptual model of the various potential contaminated land sites within and adjacent to the development corridor, including potential for migration of pollutants into the areas of proposed works has been submitted to, and approved in writing by, the local planning authority.

If any contamination is encountered during the project (not addressed in previous assessments), work must be halted on that part of the site, and a further assessment specifying the measures to be taken to make the site suitable (including any remediation proposed) shall be submitted to, and approved in writing by, the local planning authority. Work shall then proceed in accordance with the further assessment.

Within three months of completion of the scheme a validation report and statement from a competent person detailing contamination assessment, including any found during development, and any remediation undertaken, shall be submitted to, and approved in writing by, the local planning authority. The validation report should cross-refer to the Phase One Assessment and any further assessments.

Reason: To remove any risk or concerns regarding human health (also to ensure that site workers are not exposed to the unacceptable risks) and the environment.

### **Biodiversity**

26. No individual phase of development, (including demolition, ground works, vegetation clearance) as agreed in compliance with condition 3 above, shall commence until a Construction Environmental Management Plan covering biodiversity issues (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features (including a commitment to no in river works between 1st October and 30th June in any given year in order to protect white-clawed crayfish).
- e) Details of how rescues of fish and white-clawed crayfish shall be undertaken by appropriately qualified persons (with the relevant permissions) prior to any activities that could result in physical harm to these animals.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) Use of protective fences, exclusion barriers and warning signs.
- j) The numbers and locations of bird and bat boxes, along with a timetable for installation.

Thereafter, development of each phase shall proceed in accordance with the approved CEMP: Biodiversity.

Reason: To safeguard biodiversity interest on the site.

27. Prior to the commencement of development, a biosecurity protocol shall be submitted to and approved by the local planning authority detailing measures to minimize or remove the risk of introducing non-native species into a particular area during the construction, operational or decommissioning phases of a project. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: To safeguard biodiversity interest on the site.

28. No individual phase of development, as agreed in compliance with condition 3 above, shall commence (including demolition, ground works and vegetation clearance) until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to identify changes in bat activity. The content of the Strategy shall include the following:

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

Reason: To safeguard biodiversity interest on the site.

The meeting ended at 1.19 p.m.