

## 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, 23 March 2017, at 10.02 a.m.

Present

Councillors

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

John Clough  
Brian Cooper  
Joss Curwen  
Philip Dixon  
Sheila Eccles

Sylvia Emmott  
Gill Gardner  
Brenda Gray  
John Holmes  
Helen Irving

Janette Jenkinson  
Kevin Lancaster  
Pete McSweeney  
David Williams

Officers

Samantha Bradley	Planning and Enforcement Assistant
Fiona Clark	Planning Officer
Kate Lawson	Planning Officer
Una Bell	Assistant Committee Services Officer
Nicola Hartley	Senior Solicitor
Mark Loughran	Development Control Team Leader

### **P/105 MINUTE'S SILENCE**

Members stood and a minute's silence was observed for those killed and injured during the recent incident in London.

### **P/106 MINUTES**

Councillor Janette Jenkinson asked for the inclusion of a note to clarify that she had left the meeting following consideration of Minute No.P/99 (Planning Application No.SL/2016/1159).

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on 23 February 2017, subject to the following addition prior to Minute No.P/100:-

'Note – Councillor Janette Jenkinson left the meeting following consideration of Minute No.P/99 (Planning Application No.SL/2016/1159).'

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

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

(1) Councillor Sylvia Emmott – Minute No.P/110 (Planning Application No.SL/2016/0519); and

(2) Councillor Brenda Gray – Minute No.P/115 (Tree Preservation Order Application – TR.2017.0020).

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

RESOLVED – That it be noted that there are no items in Part II of the Agenda.

**P/109 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/110 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 and explained she had 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 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 outline planning permission (SL/2014/0846) which had been granted for the erection of up to 119 dwellings and the detailed access arrangements. She informed Members that this application was for reserved matters consent for the access arrangements within the site, appearance, landscaping, layout and scale and the discharge of conditions 9 and 10 attached to the outline planning permission which required the submission and approval of the surface water and foul drainage and open space and play equipment schemes.

Mr K Lasbury, a local resident, spoke about his concerns regarding the surface water discharge, which he stated would double in volume. He felt that the proposed permeable paving would not offer a long term solution. He informed the Committee that a CCTV survey of the existing culvert had revealed that it was in a poor state of repair. He expressed concern regarding the foul water drainage and the capacity of the existing system and how foul water from 110 additional houses would impact the system. He felt that these issues should be decided by the Planning Committee and not delegated to Officers.

Mr G Kenyon, a resident of Helsington Laithes, informed the Committee that he had witnessed surface water flooding at the site and the culvert at full capacity. He expressed his concerns regarding the condition and capacity of the culvert. He proposed that a second culvert should be installed. He agreed with Mr Lasbury that these issues should be for the Committee to decide and not delegated to Officers.

Mr G Barlow, the applicant, addressed the Committee. He emphasised that the application was for reserved matters. He confirmed that Jones Homes (Fylde) had worked with the Planning Department regarding affordable housing placement and the surface water drainage. He stated that the application included the full quota of affordable housing and that their location had a sympathetic outlook over Helsington Laithes. Mr Barlow explained that the layout, position, design and materials of the affordable homes were typical of Jones Homes (Fylde) open market apartments. He also highlighted the lack of a specific South Lakeland District Council Affordable Housing Clustering Policy. He informed the Committee that South Lakeland was a new area to Jones Homes (Fylde) and that the drainage requirements were very detailed and he was confident that they were close to achieving the drainage proposals.

In further presenting the report the Planning Officer explained that the scheme proposed 110 dwellings with affordable housing mixed throughout the site and that the scheme's layout was satisfactory. She informed the Committee that the drainage scheme had taken nine months to achieve a satisfactory conclusion.

Members gave consideration to surface water drainage, which included the culvert, infiltration basins, soakaways and foul drainage. They also considered the affordable housing and the layout and floor levels of a number of plots. Members felt that consideration and a decision on the application should be deferred at this time in order to provide the developer an opportunity to address these concerns.

DEFERRED for the following reasons:-

- (1) Resolution of all the outstanding technical drainage issues and confirmation from Cumbria County Council regarding these matters being acceptable including the culvert; and
- (2) Satisfactory conclusion to negotiations with regard to levels; and
- (3) Satisfactory conclusion to negotiations with regard to plot 9; and
- (4) Removal of the garage at plot 1; and
- (5) Better separation/mix of affordable social rental housing.

***Note – The Committee voted to adjourn for a break at 11.46 a.m. and reconvened at 11.55 a.m. when the same Members were present.***

**P/111 URSWICK - SL/2017/0036 - Land at Great Urswick****Siting of a single holiday camping pod on Land at Great Urswick (Mr Waddington)**

The Planning Officer presented the application and displayed plans and photographs which detailed the proposals.

Mr T Wilson, the applicant's agent, addressed the Committee. He stated that the previous application had been withdrawn following written advice from the Planning Officer, which had confirmed that the application was to be refused. This was despite the pod having been relocated on the advice of the Planning Officer. The new application incorporated the amended plans and relocated pod. He stated that the area of the site was heavily screened and he felt that there would be no impact on the character and landscape of the area. He concluded by stating that the addition of the pod accommodation for tourists, would be of benefit to the area.

In further presenting the report the Planning Officer confirmed that the current application had been considered under Saved Policy T4 – Self-catering accommodation outside development boundaries. The pod was considered to be holiday letting accommodation and not camping or caravanning accommodation, due to the permanence of the structure and its associated infrastructure and service connections.

REFUSE for the reasons set out in the schedule referred to at Minute No.P/109.

**REPORT OF THE DIRECTOR PEOPLE AND PLACES****P/112 KIRKBY IRELETH - SL/2017/0034 - Land at The Grange, Tippins Lane, Kirkby in Furness****Construction of replacement dwelling and detached garage on Land at The Grange, Tippins Lane, Kirkby in Furness (Mr G Mills)**

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.

GRANT subject to the conditions set out in the schedule referred to at Minute No. P/109, with the addition of the following condition:-

## Condition (6)

- a) Development shall not begin until the design details of the proposed access alterations have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels and gradients, surfacing materials and any associated kerb details and surface water drainage provision.
- b) The building shall not be occupied until the access improvements have been constructed in accordance with the approved details.

Reason: These details are required to be approved before the commencement of development in the interests of highway safety and in accordance with Policy CS10.2 of the South Lakeland Core Strategy.

**P/113 A REPORT ON MONTHLY ENFORCEMENT ACTIVITY**

The Committee was presented with a report on Enforcement Activity between 1 January 2017 and 31 January 2017.

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.

**P/114 APPEALS UPDATE**

Members were presented with an update on performance measures and recent appeals. Members requested that future reports indicate whether a decision had been made by the Planning Committee or by Officers under delegated powers.

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

**P/115 TREE PRESERVATION ORDER APPLICATION - TR.2017.0020**

***Note – Councillor Brenda Gray declared a pecuniary interest in this item of business as the applicant and left the meeting during discussion and voting on the item.***

***In addition, prior to the consideration of this item, Councillor Sheila Eccles declared a non-pecuniary interest in this item of business by virtue of her position as Ward Councillor. As she had not been involved in any discussions, Councillor Eccles remained in the meeting during the discussion and voting on the item.***

The Development Control Team Leader presented the application and displayed plans and photographs which detailed the proposals.

He explained that the applicant was a South Lakeland District Councillor and a Member of the Planning Committee and therefore the decision on the application was to be made by the Committee.

He advised the Committee that the removal of the three trees would generate a number of benefits through reducing the risk presented by the trees to the applicant's property, it would allow increased light into the ground flora and the introduction of replacement complimentary tree species would increase species diversity, age ranges and disease resistance.

RESOLVED – That approval be given to the felling of three trees on Land at Cherry Hill, Hincaster. Tree Preservation (No 158) Order 2000, subject to the following conditions:-

- (1) The planting of three replacement trees being one Damson, one Crab Apple and one Hawthorn; and
- (2) The replacement trees shall be planted in the next available planting season following the commencement of the approved works; and

23.03.2017

Planning Committee

- (3) The replacement trees shall be planted within five metres of the location of the removed trees; and
- (4) The replacement trees shall be of standard or heavy standard form, and maintained for a period of no less than five years from the date of planting.

The meeting ended at 12.51 p.m.