PLANNING COMMITTEE

Minutes of the proceedings at a meeting of the Planning Committee held in the District Council Chamber, South Lakeland House, Kendal, on Tuesday, 27 March 2012, at 10.00 am.

Present

Councillors

Ian McPherson (Chairman)
Sheila Eccles (Vice-Chairman)
Brian Cooper
Joss Curwen
Colin Davies
Philip Dixon
Sylvia Emmott
Brenda Gray
Tom Harvey
John Holmes
Janette Jenkinson
Sonia Lawson
Mary Orr
Mary Wilson

An apology for absence was received from Councillor David Williams.

Officers

Fiona Clark Planning Officer (part)
Barry Jackson Development Management Team Leader
Janine Jenkinson Assistant Democratic Services Officer
Matthew Neal Solicitor to the Council (part)
Mark Shipman Development Management Group Manager
Debbie Storr Corporate Director (Monitoring Officer) (part)

P/96 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on 28 February 2012.

P/97 DECLARATIONS OF INTEREST

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

(1) Councillor Brian Cooper – Minute P/102 (Planning Application No. SL/2011/0936);

(2) Councillor Joss Curwen – Minute P/102 (Planning Application No. SL/2012/0003);

(3) Councillor Mary Orr – Minute P/100 (Planning Application No.SL/2011/0647) and (Planning Application No.SL/2011/1033)
(4) Councillor Mary Wilson – Minute P/100 Planning Application No.SL/2011/1034); and

(5) Solicitor to the Council, Matthew Neal – Minute P/100 (Planning Application No.SL/2011/0647).

P/98 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

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

P/99 PLANNING APPLICATIONS

The Chairman advised the Committee that the National Planning Policy Framework, which set out the Government’s planning policies for England and how these were expected to be applied was due to be published at 12.30 p.m. on 27 March 2012 and would apply with immediate effect. Therefore, it was advised that all the decisions made during the meeting be delegated to the Interim Corporate Director (Communities) to ensure that the decisions made were made in-line with the requirements of the new Policy Framework.

The Development Management Group Manager submitted a Schedule of Planning Applications and his recommendations thereon.

RESOLVED – That

(1) The applications be determined as indicated below (the numbers denoted 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.

P/100 PUBLIC PARTICIPATION

Note – Solicitor to the Council, Matthew Neal declared a personal and prejudicial interest in the following item of business, by virtue of his wife working with the wife of the applicant. He left the Council Chamber during the discussion and voting thereon.

1.SL/2011/0647 LEVENS: Land at High Sampool LA8 8EQ. Erection of poultry unit with manure store. (Mr J Mason)

Jonathan Moore Lambe of John Lambe Associates spoke in objection to the application. He stated that the proposal would have a catastrophic effect on the local economy, including the business of Sampool Holiday Park. Concerns were raised in relation to inadequate access, noise and odour. He stated that there was
no planning justification for the scheme and urged the Committee to refuse the proposal.

Anthea Jones, the applicant’s agent responded to the points raised. She asserted that the development would not detrimentally impact on the character or landscape of the area and that there would be no adverse noise issue associated with the proposal. In addition she advised that no objections had been raised by the Environment Agency in relation to flooding. The Committee was urged to grant the application with suitable conditions.

A decision on the application had been deferred at the February meeting to undertake a Committee site visit. It had been previously deferred at the November meeting to allow the agent to address issues relating to the potential impact on the nearby environmentally designated areas. It was reported that these matters had now been resolved, however issues remained in relation to the impact on residential amenity and the character and appearance of the landscape.

RESOLVED – The Interim Corporate Director (Communities) be authorised to REFUSE planning permission for the following reasons:-

(1) detrimental impact on the amenity of residents by reason of odours, pests and general disturbance; and

(2) the proposed building being too large in scale and of a utilitarian appearance and in an isolated position within open countryside. If constructed it would cause material harm to the character and appearance of the area.

Note – Councillor Mary Orr declared a personal and prejudicial interest in the following item of business, by virtue of being the ward Member. She left the Council Chamber during the discussion and voting thereon.

3.SL/2011/1033 LEVENS: Whinfield, Force Lane LA8 8ED. Erection of pair of semi-detached dwellings. (Mr D and Mrs D Parry).

Anita Todd spoke on behalf of a group of neighbouring residents, in support of the application. She stated that the development of two dwellings would encourage families into the area and would boost the local community. She asserted that Whinfield was not isolated, but a close knit community with suitable access to public transport. She stated that to enable the community to thrive it was necessary to accept that more homes were needed for families. She advised Members that all local residents were in support of the application and felt that more houses and families living in the locality would benefit all residents in the area.

David and Dawn Parry responded. David Parry thanked Anita Todd and local residents of Whinfield for their support. He stated that he had undertaken research in local archives and discovered that historically Frosthwaite had been designated as a hamlet. Therefore, the proposal could be considered as infilling or rounding off in a hamlet, in-line with policy guidance. He stated that the
application would assist the Council in meeting its objective of providing more houses in the district.

A consultee response from Levens Parish Council in support of the application had been received.

Members were advised that the main issue relating to the proposal was the principle of housing development in the location. Policy CS6.4 of the Core Strategy stated that proposals for housing development located outside the settlement boundaries in the Service Centres, or where they did not constitute infilling or rounding off in smaller villages and hamlets, could only be considered where they provided 100% affordable housing.

A lengthy discussion ensued during which consideration was given to all the issues relevant to the application. Members considered overall that the proposal was acceptable, subject to the satisfactory negotiation of a Section 106 agreement to provide 100% affordable housing.

RESOLVED – The Interim Corporate Director (Communities) be authorised to GRANT planning permission subject to the following conditions:

1. negotiations relating to the application of a Section 106 agreement requiring both dwellings to be affordable;
2. standard time limit;
3. materials;
4. drainage;
5. access;
6. car parking provision; and
7. boundary treatment.

Note – Councillor Mary Wilson declared a personal and prejudicial interest in the following item of business, by virtue of having previously discussed and commented on the application. She left the Council Chamber during the discussion and voting thereon.


Anne Peat, a local resident commented on two aspects of the application. She stated that the Council’s Local Development Framework had indicated that Grange required five hundred more houses and suggested that the Bateman’s site could more usefully be used as a housing site. Secondly, she asked if the lack of
progress on the site during the past three years indicated that there was no need for additional retail provision.

Norman Bailey, a local resident, spoke in objection to the application. He raised concerns in relation to increased traffic generation, congestion, lack of car parking provision, disturbance and impact on local shop owners. A full copy of his speech has been placed on the Democratic Services file.

Frank McCall spoke in objection to the application. Concerns were raised in relation to increased traffic congestion, lack of car parking provision in the area and highway safety. A full copy of his speech has been placed on the Democratic Services file.

Judith Shapland read out a speech on behalf of Jeffery Benson, of Brennand’s Newsagents. It was stated that the goods stocked by Brennand’s Newsagents would also be sold by Booths supermarket, therefore adversely impacting a local business. A full copy of Jeffery Benson’s statement has been placed on the Democratic Services file.

Richard Davies spoke on behalf of Grange & District Action Group. He drew Members attention to material changes in circumstances which he felt would make it inappropriate to approve the extension of planning permission for the application. A full copy of his representation has been placed on the Democratic Services File.

Andrew Fletcher spoke on behalf of Richard Fletcher. He stated that no supermarket in Grange would stop or reduce leakage of trade as residents still needed to go out of town to fill cars up with fuel. He urged the Committee to refuse the application on the grounds that it would not offer any benefit for the residents of Grange.

Steve Abbott, the applicant’s agent responded. He stated that further negotiations had been taking place with the Environment Agency and flooding matters had not yet been resolved, however a mitigation scheme would be established. He assured the Committee that E.H. Booth & Co. Ltd were keen to develop the site and the delay was not associated to commercial matters. He reported that the Highway Agency had no objections.

RESOLVED – The Interim Corporate Director (Communities) be authorised to GRANT subject to suitable conditions.

6.SL/2012/001 KENDAL: 59 Captain French Lane LA9 4HP. Creation of three dwellings. (Mrs C Woodward)

Glynis Younes spoke in objection to the application. Concerns raised related to the loss of privacy, highway safety and the design and scale of the development. She stated that there was currently a lack of car parking provision and poor traffic access and the proposal would exacerbate the situation. In addition, she stated that the development would exert a detrimental impact on the appearance and ambience of the Conservation Area.
A site visit had been undertaken and the Committee had now had the opportunity to view and assess the application in relation to the locality. Some discussion took place regarding the height of the proposal and impact on the surrounding residential area.

Notwithstanding the officer recommendation, Members elected to unanimously refuse the application.

RESOLVED – That the Interim Corporate Director (Communities) be authorised to REFUSE on the grounds that the application would be overbearing and exert a detrimental impact on the character of the Conversation Area.

10.SL/2012/0050 ALDINGHAM: Land adjacent to Beech Mount, Goadsbarrow LA12 ORE. Two dwellings. (Mrs Clare Worrall).

John Wilson spoke in opposition to the application. Concerns were raised in relation to loss of privacy and overshadowing. Reference was made to a recent appeal decision which had concluded that the principle of residential development on the site would be acceptable. Mr Wilson stated that there had been a number of inaccuracies in the Inspectors report and disputed the decision that had been made. A full copy of his representation has been placed on the Democratic Services file.

Christopher Garner, the agent, spoke in response on behalf of the applicant. He highlighted that at the recent appeal, the Inspector had defined Goadsbarrow as a hamlet and the proposal was therefore in accordance with the Core Strategy policy CS1.2 relating to infilling and rounding off of small villages and hamlets. He advised that he would be addressing concerns in relation to the scale and siting of the proposal with the planning officer.

The Development Management Group Manager reported that although Aldingham Parish Council had previously supported the development, it had since re-evaluated the proposal and now objected to the development on the grounds that the proposal did not address the core issues on which the previous application had been refused, in particular the development did not represent rounding off and might set a precedent.

Natural England had recommended that a condition in relation to a foul and surface water drainage method statement be attached to any permission granted.

One additional letter of objection had been received raising concerns in relation to loss of privacy, overshadowing and impact on the character and appearance of the locality.

A discussion took place. Members considered the development acceptable subject to application of a Section 106 agreement requiring the dwellings to be affordable housing.

RESOLVED – The Interim Corporate (Communities) be authorised to GRANT subject to the conditions detailed in the Schedule, a Section 106 agreement and
an additional condition relating to a foul and surface water drainage method statement.

P/101  **ADJOURNMENT OF MEETING**

The Committee adjourned for lunch at 1.15 p.m. and reconvened at 2.00 p.m. when the same Members were present, with the exception of Councillor Janette Jenkinson.

P/102  **COMPLEX PLANNING APPLICATIONS**

*Note – Councillor Brian Cooper declared a personal and prejudicial interest in the following item of business, by virtue of being a Masonic Lodge member. He left the Council Chamber during the discussion and voting thereon.*

RESOLVED – That the following applications be determined in the manner set out:-

8.SL/2012/0038 OLD HUTTON AND HOLMESCALES: Hutton Substation, Old Hutton LA8 OLZ. Installation of capacitor unit, series compensation units, access road, security fencing and landscaping. (Mrs Andrea Key)

Consultee responses received were reported. No objections had been raised by Cumbria Highways or Cumbria Historic Environment.

A letter signed by nineteen residents of Eskrigg End and six additional letters of objection had been received. Concerns raised related to increase in traffic generation, highway matters, light and noise pollution.

Members were informed that the application was very important for the future national and local distribution of electricity. Although the equipment proposed was of a significant scale and unavoidably utilitarian in appearance, overall the scheme was felt acceptable subject to conditions requiring adherence to detailed mitigation measures.

RESOLVED – The Interim Corporate Director (Communities) be authorised to GRANT planning permission subject to the Conditions detailed in the Schedule.

*Note – Councillor Brian Cooper declared a personal and prejudicial interest in the following item of businesses, by virtue of being a Masonic Lodge member. He left the Council Chamber during the discussion and voting thereon.*

2.SL/2011/0936 ULVERSTON: Masonic Hall, Kings Road, LA12 OBT. Rear extension to accommodate escape stairs and new changing rooms. (Mr Alan Jones)
A decision on the application had been deferred from the February Committee meeting to allow a site visit. Members had now had the opportunity to view and assess the development in relation to the adjacent residential property.

Concern was expressed in relation to the impact the proposal would exert on the amenity of the adjacent residential property.

RESOLVED – The Interim Corporate Director (Communities) be authorised to REFUSE planning permission for the reason set out in the Schedule.

5.SL/2011/1041 KIRKBY LONSDALE : Lane House Barns, off the A65. Re-development of site for offices and workshops (use classes B1 and B2)

The Committee was advised that overall the centrally sited building was of an appropriate scale and massing, however the second building, adjacent to the western boundary, was less visually attractive, incongruous and prominent in this location.

The Development Management Team Leader reported that negotiations concerning the removal of the building adjacent to the western boundary had been unsuccessful.

Members felt the second building would exert a detrimental impact on the character and appearance of the surrounding area.

RESOLVED – The Interim Corporate Director (Communities) be authorised to REFUSE planning permission on the grounds that the western building would be a prominent, obtrusive and incongruous form of development.

Note – Councillor Joss Curwen declared a personal interest in the following item of business, by virtue of knowing the applicant.

7.SL/2012/003 KIRKBY IRELETH: Mill Bank Cottage, Beckside, Kirkby in Furness LA17 7TH. Demolition of outbuildings and reconstruction to form new dwelling and integral garage. (Paul Stephenson)

The proposal was located at the eastern end of the village of Beckside, within the current development boundary of the settlement adjacent to other residential properties and as such the principle of constructing a dwelling was in accord with policy.

Members elected to unanimously support the development.

RESOLVED – The Interim Corporate Director (Communities) be authorised to GRANT planning permission subject to suitable conditions.

9.SL/2012/0041 KENDAL: 30 Whinfell Drive LA9 6JT. Erection of dwelling house and alterations to existing house. (Mrs I and Mrs J Gudgeon)
Members were advised that amended plans including amended fenestration design detail in-keeping with surrounding properties had been received.

The principle of an additional dwelling in this location was in accord with the aims of the Council’s adopted Core Strategy.

Members welcomed the application.

RESOLVED – The Interim Corporate Director (Communities) be authorised to GRANT planning permission subject to the conditions detailed in the Schedule and an amendment to condition (4) to require the hard surfacing to be porous.

11. SL/2012/0060 BEETHAM: Fell End Caravan Park, Hale, Milnthorpe LA7 7BS. Variation of condition 2 on Planning Permission 5/95/1526 to allow all year round holiday use. (Chris Royle)

Permission was sought to remove the requirement for a closed season and to operate the caravan site all year round. It was felt that alternative conditions could be used as a means of controlling occupation.

RESOLVED – The Interim Corporate Director (Communities) be authorised to GRANT planning permission subject to suitable conditions.

12. SL/2012/0055 (FPA) and SL/2012/0074 (CAC) LUPTON: Thompson Fold Farmhouse, Lupton LA6 2PP. Extension of time condition on Planning Permission SL/2008/1198 and 1199 (Conversion of farmhouse to three dwellings and installation of a sewage treatment plant). (Mr Ray Griffin)

It was recommended that permission be extended without the previously imposed local occupancy restriction and with all three units being open market properties.

RESOLVED – The Interim Corporate Director (Communities) be authorised to GRANT planning permission subject to the conditions detailed in the Schedule.

P/103 LISTED BUILDING APPLICATION

RESOLVED - That the following application be determined in the manner set out:-

12. SL/2012/0055 (FPA) and SL/2012/0074 (CAC) LUPTON: Thompson Fold Farmhouse, Lupton LA6 2PP. Extension of time condition on Planning Permission SL/2008/1198 and 1199 (Conversion of farmhouse to three dwellings and installation of a sewage treatment plant). (Mr Ray Griffin)

It was recommended that the time condition be extended without the previously imposed local occupancy restriction relating to Unit 7.

RESOLVED – The Interim Corporate Director (Communities) be authorised to GRANT planning permission subject to the conditions detailed in the Schedule.
P/104 A REPORT ON ENFORCEMENT ACTIVITY FROM 2 JANUARY - 27 JANUARY 2012

Members were presented with a report on enforcement activity between 2 January to 27 January 2012. No outstanding cases from the caseload had been resolved between 2 January and 27 January 2012. Forty-one new complaints had been recorded and were presently being investigated of which two had been resolved.

RESOLVED – That the report be noted.

P/105 A QUARTERLY REPORT ON THE OUTSTANDING ENFORCEMENT CASELOAD AT JANUARY 2012

Members were provided with information regarding the outstanding enforcement caseload up to January 2012. A summary of the enforcement cases currently unresolved, and a description of the selected priority cases currently being dealt with and future proposed priority cases were reported.

RESOLVED – That the report be noted.

P/106 ANNUAL REPORT - ENFORCEMENT ACTIVITY DURING 2011

The number of cases received in the year showed a slight decrease. This was due to a more robust filtering system. In 2011 the Enforcement Team had had to divert a disproportionate amount of time to 3 priority cases. This had resulted in an increase in the number of cases carried forward at the end of year. This had affected the total number of Enforcement Notices served.

RESOLVED – That the report be noted.

P/107 APPEALS UPDATE AT 27 MARCH 2012

Members were provided with information about the receipt and determination of planning appeals from the start of the financial year in April 2011.

National Indicator BVPI 204 set a target of a maximum number of appeals allowed as 33 %. The current performance, calculated from those decisions received since 1 April 2011 was 32.6 %.

It was anticipated that targets and objectives would continue to be achieved at the year end 2012.

RESOLVED That the report be noted.

The meeting ended at 3.15 p.m.