PLANNING COMMITTEE

Minutes of the proceedings at a meeting of the Committee held in the Council Chamber at South Lakeland House, Kendal, on 25 March 2010, at 10.00 a.m.

Present

Councillors

Paul Little (Chairman)
Ian McPherson (Vice-Chairman)

Alan Baverstock       Jane Carson       Brian Cooper
Joss Curwen           Colin Davies      Sheila Eccles
Sylvia Emmott         Brenda Gray      Frank Hodson
Janette Jenkinson     Kevin Lancaster   Sonia Lawson
Maureen Nicholson     David Williams    Mary Wilson

An apology for absence was received from Councillor Clive Graham.

Officers

Barry Jackson          Planning Officer
Janine Jenkinson      Assistant Democratic Services Officer
Matthew Neal          Solicitor to the Council
Andy Roe              Development Control Manager

P/128 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on 25 February 2010.

P/129 DECLARATIONS OF INTEREST

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

(1) Councillors Alan Baverstock, Jane Carson, Brain Cooper, Frank Hodson, Janette Jenkinson, Kevin Lancaster, Mary Wilson – Minute P/132 (Planning Application No. SL.2009/0601); and

(2) Councillor Frank Hodson - Minute P/132 (Planning Application No.SL/2009/1135); and

(3) Development Control Manager, Andy Roe – Minute P/134 (10.045 Netherfield Sports Cricket Grounds, Parkside Road, Kendal).

P/130 LOCAL GOVERNMENT ACT 1972 – EXCLUDED ITEMS

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

P/131 PLANNING APPLICATIONS

The Development Control Manager 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.

Note – Councillor Alan Baverstock declared a personal and prejudicial interest in the following item of business, by virtue of being a member of Arnside Area of Natural Beauty and South Lakelanders Opposed to the Gateway (SLOG) prior to becoming a Councillor. He left the Council Chamber during the discussion and voting thereon.

Councillor Jane Carson declared a personal interest in the following item of business, by virtue of being a member of Cumbria Wildlife.

Councillor Brian Cooper declared a personal and prejudicial interest in the following item, by virtue of being a personal friend of a shareholder of the L & K Group Plc. He left the Council Chamber during the discussion and voting thereon.

Councillor Janette Jenksinon declared a personal interest in the following item of business, by virtue of being a colleague on the Standards Committee with Trevor Wilson, a Director of the L&K Group Plc.

Councillor Kevin Lancaster declared a personal and prejudicial interest in the following item of business, by virtue of being a customer of the Auction Mart. He left the Council Chamber during the discussion and voting thereon.

Councillor Frank Hodson declared a personal interest in the following item of business, by virtue of being a member of Lancaster Canal Trust.

Councillor Mary Wilson declared a personal interest in the following item of business, by virtue of being a neighbour of Trevor Wilson, a Director of L & K Group Plc.

P/132 PUBLIC PARTICIPATION

Planning Applications

RESOLVED – That the following applications, for which representations have been received from members of the public, in accordance with Minute 1810 (1996/97), be determined in the following manner:-

1.SL/2009/0601 PRESTON RICHARD: Deepthwaite, Milnthorpe. Erection of auction mart and associated agricultural business units; construction of access; drainage facilities; alterations to B6385 near to Crooklands Bridge. (L & K Group PLC)
The Planning Officer summarised the details of the application and highlighted that the Committee had undertaken a site visit prior to the meeting.

John Dootson, on behalf of South Lakelanders Opposed to Gateway (SLOG), Ian McMurdo, Chairman of Milnthorpe Angling Association and on behalf of the Trustees of South Cumbria Rivers Trust, Drusilla Pickthall also on behalf of Dorothy Constantine and Mr and Mrs Knight, spoke in objection to the application. Full copies of their speeches have been recorded on the Democratic Services file.

The Committee also heard representations in objection to the application from Ron Dixon, Derek Calrow, Charles Haigh, Frances Haigh, Grant Bramwell, Don Harding. Full copies of their speeches have been placed on the Democratic Services File.

Mr Brian Barden, from Barden Planning Consultants, responded on behalf of the applicant. He addressed the main issues that had been raised during public participation. With regard to the adequacy of the road network and traffic generation, he stated that the level would be acceptable in this location and that improvement works to the road network and Crooklands Bridge associated with the application would benefit the site. Members were reassured that all necessary drainage/sewage requirements would be adhered to. In relation to comments raised regarding the location he asserted that the site was suitable to accommodate this form of development. Lastly, he advised that the financial viability of the scheme was not a planning matter for Members consideration.

The Planning Officer reported receipt of a total of 407 letters of objection and 620 letters of support. He read out in full the content of a generic letter that had been received from a number of supporters. He also reported that the Association of Independent Meat Suppliers supported the application.

A lengthy discussion took place in which Members gave consideration to all the pertinent issues raised by the application.

REFUSE – due to the following reasons (suitably worded) -:

(1) traffic and sustainability issues, the lack of satisfactory information relating to projected traffic levels;

(2) adverse landscape impact due to the scale and extent of proposal; and

(3) impact on residential amenity due to increased activity / traffic.
Note – Councillor Frank Hodson declared a personal interest in the following item of business, by virtue of being a member of Arnside Area of Outstanding Natural Beauty Trust.

3.SL/2009/1135 ARNSIDE: Hollins Farm, Far Arnside. Extension to caravan and camping site with replacement facility building and new sewage treatment plant and associated landscape works. (Holgates Caravan Parks Ltd)

Councillor Ian Stewart, local Ward Member, spoke in objection to the application. He drew attention to Cumbria County Highways comments detailed in the report and advised that he had sought further clarification regarding their response. He stated that Cumbria County Highways had not submitted a formal objection due to their mistaken perception that the proposal related only to the land that benefited from a Lawful Development Certificate.

Colin Patrick, Chairman of Arnside/Silverdale Area of Outstanding Natural Beauty Landscape Trust spoke in objection to the application. A full copy of his submission is available on the Democratic Services File.

Ron Ireland, a resident of Cove Road, Silverdale, Mr Webb, on behalf of the Arnside and District Natural History Society and Ineke Fisher spoke in objection to the application. Full copies of their representations are available on the Democratic Services file.

Lucy Barron, spoke on behalf of Arnside and Silverdale Areas of Outstanding Natural Beauty. She encouraged the Committee to refuse the application due to the increase in vehicular activity and detrimental impact on the landscape. In addition, she highlighted that the application would be contrary to Local Plan policies. Rowena Lord spoke in objection to the development. A full copy of her representation is available on the Democratic Services file.

Mr Brian Barden, from Barden Planning Consultants, responded on behalf of the applicant. He advised the Committee that the applicants had offered to relinquish permitted development rights associated with the site and would not pursue the Appeal against the Enforcement Notice for adjacent land for which they believed they had established use rights. With regard to the local roads serving the site he asserted that the perceived problems would not be perpetuated by the development. In relation to concern regarding the use of blue chipping for the hardstanding he advised that the applicant was willing to give further consideration to the type of material used.

A lengthy discussion took place in which Members considered all the issues that had been raised. On balance it was felt that the visual impact of the development, lack of lighting details and the increase in traffic generation were sufficient to justify the
refusal of planning permission.

REFUSE

P/133 COMPLEX PLANNING APPLICATIONS

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

2.SL/2009/1132 LOWER ALLITHWAITE: Part of OS 8270, Blenket Farm, Jack Hill, Allithwaite, Grange over Sands. Erection of two agricultural buildings, formation of yard areas and agricultural access with associated landscaping (Retrospective). (Mr Richard Whitton)

Consideration of this application had been deferred at the last Planning Committee meeting in order to undertake a site visit. Members had now had the opportunity to fully assess the proposal in relation to the location.

Members concluded that the easternmost building was acceptable. However the western building was more prominent and had resulted in the loss of the landscape screening in part. On the basis that the applicant had offered to remove the western building on his retirement in three years times, it was considered that this should be given a temporary consent only.

GRANT – subject to temporary consent only for building on the western side and the re-instatement of land with new landscaping as part of an overall scheme to replace that which had previously been lost.

4.SL/2009/1138 ALDINGHAM: Canterbank Farm Leece, Ulverston. Agricultural worker's dwelling. (Mr Brian Cooper)

The Land Agency Manager at Lancashire County Council had concluded that there was no functional need for the construction of an agricultural workers dwelling.

Therefore, due to the recommendation of the agricultural appraisal, Members felt the proposed development could not be supported.

REFUSE – due to lack of functional need for the additional dwelling on the farm being evidenced.

5.SL/2010/0084 GRANGE OVER SANDS: Greaves Wood Lodge, Allithwaite Road, Grange over Sands. Dwelling. (Mr & Mrs R and K Carmichael)

The Committee was updated on consultee responses received. Grange Town Council had raised objections to the application due to insufficient evidence of an Environmental Impact Assessment. Natural England had requested that a bat and bird survey be carried out and that an ecological survey be carried out before the tree on the site was removed.
An objection had been received from a neighbouring resident. Concerns raised related to the scale of the development, parking arrangements, the presence of a limestone pavement, the proximity of the application to the tree root area and a request that the development be limited to a single storey dwelling.

The Development Control Manager reported that a detailed tree survey had been provided to the satisfaction of the Council's Arboriculturist. An ecological survey covering bats and birds would be requested prior to the determination of the reserved matters. It was also felt reasonable to impose a condition requiring the building to be single storey to meet the neighbour's concerns.

On balance, the proposal was considered to be acceptable in this location.

**GRANT – outline consent subject to the following conditions:**

1. standard outline time limit;
2. standard outline condition (all matters reserved);
3. the submission of a bat/breeding birds study and ecological survey prior to submission of reserved matters application;
4. details of floor/site levels being agreed;
5. tree protection measures during the construction period being agreed; and
6. the development being limited to a single storey dwelling only.

6.SL/2010/0103  **KENDAL:** Former Webbs Garden Centre, Burneside Road, Kendal. Revised scheme for planning permission SL/2007/1196 Block D (Change from 2 houses to 4 apartments) and Block G (change from 15 to 23 apartments). (Mr Mike Dowse)

The application had been withdrawn prior to the Committee meeting.

**WITHDRAWN**

7.SL/2010/0110  **NATLAND:** Adjacent to 8 Watercrook Farm, Natland, Kendal. Removal of Condition No.2 (Local Occupancy) on Planning Permission SL/2009/0110). (Mr S Jelley)
Natland Parish Council had not raised any objections in principle to the application but considered that the alternative condition recently used to ensure occupancy as a sole or primary residence was appropriate.

The Development Control Manager advised Members that the alternative condition was an appropriate compromise, given that the site was outside the Kendal boundaries. This would be consistent with other recent applications of the Local Occupancy condition.

**GRANT – subject to an alternative occupancy condition requiring the dwelling to be occupied as the sole or primary residence only (standard revised condition).**

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**Note – Andy Roe, Development Control Manager, declared a personal and prejudicial interest in the following item of business, by virtue of being a member of Netherfield Sports Cricket Club and a Director of the County Football Association that had funded the development. He left the Council Chamber during the discussion and voting of - 10.045 Netherfield Sports Cricket Grounds, Parkside Road, Kendal.**

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**P/134 ENFORCEMENT ACTIVITY FROM 25 DECEMBER 2009 TO 22 JANUARY 2010**

Members were presented with a report on enforcement activity between 25 December 2009 and 22 January 2010. Four outstanding cases from the enforcement caseload had been resolved. Thirteen new complaints had been recorded and were being investigated, of which three had been resolved.

**09.193 26 Sedbergh Drive, Kendal**

Complaints had been received from neighbours of the above property. The owners of 26 Sedbergh Road had erected a 1.8 metre high fence to the Northern boundary. The fence was not in keeping with the openness of the area and was regarded as unacceptable development in this location.

The owners had indicated that they were not willing to reduce either the height or the position of the fence. Therefore, Members authorisation was sought to take all necessary enforcement action to either remove the fence or reduce it to the permitted height of 1 metre.

**10.022 Lime Kiln, Sunbrick Lane, Baycliff Farm**

It had been brought to the attention of the Enforcement Officer that unauthorised development of an agricultural building within the site had commenced. It was also reported that another previously approved building had been built at the wrong height.

It was felt that this form of development was unacceptable in this location, due to its openness and prominent siting in open country side with views from the A 5087 coast road and the adjacent bridleway.
10.041 Whitefoot, Burneside

A complaint had been received regarding the building works being carried out in the field to the south of Whitefoot House. Further to a site visit the Enforcement Officer had confirmed that hardcore ready to receive concrete and a septic tank with soak away had been installed. Members’ authorisation was sought to remove the hardcore and septic tank.

10.045 Netherfield Sports Cricket Grounds, Parkside Road, Kendal.

Planning permission for the erection of a sports changing block and viewing area had been granted, details in the application had stated that the colour of the roof would be a dark Merlin Grey. A site visit had been carried out and the agent had confirmed that the roof was a much lighter Goose Wing Grey which was almost white in appearance. Therefore, authorisation was sought to change the colour of the roof.

RESOLVED – That

(1) the report be received;

(2) in respect of 09.193 26 Sedbegh Drive, Kendal, the Corporate Director (Monitoring Officer) be authorised to take all necessary enforcement action to secure the removal or reduction of the fence to the permitted height of 1 metre;

(3) in respect of 10.022 Lime Kiln, Sunbrick Lane, Baycliff Farm, the Corporate Director (Monitoring Officer) be authorised to take all necessary enforcement powers to secure the removal of the unauthorised structure and that the approved building was reduced to the correct height;

(4) in respect of 10.041 Whitefoot, Burneside, the Corporate Director (Monitoring Officer) be authorised to take all necessary enforcement action to secure the removal of the hardcore and septic tank; and

(5) in respect of 10.045 Netherfield Sports Cricket Grounds, Parkside Road, Kendal, the Corporate Director (Monitoring Officer) be authorised to take all necessary enforcement action to secure a change of colour of the roof so that it was consistent with the terms of the Planning Permission.

P/135 A REPORT ON THE OUTSTANDING ENFORCEMENT CASELOAD BETWEEN 1 JANUARY 2004 AND 22 JANUARY 2010

RESOLVED – That the report be noted.

P/136 ENFORCEMENT ACTIVITY FOR 2009

Members were informed about enforcement activity during 2009. The report advised on the number of complaints that had been received, Notices that had been served, prosecutions, the number of resolved cases and cases that remained outstanding.

RESOLVED – That the report be noted.
P/137 APPLICATIONS CONSIDERED PREVIOUSLY BY THE PLANNING COMMITTEE AND DETERMINED BY THE CORPORATE DIRECTOR (COMMUNITIES) BETWEEN 16 FEBRUARY AND 12 MARCH 2010

RESOLVED – That the report be noted.

P/138 APPEALS UPDATE AT 12 MARCH 2010

RESOLVED – That the report be noted.

P/139 APPLICATIONS DETERMINED BY CUMBRIA COUNTY COUNCIL

RESOLVED – That the report be noted.

The meeting ended at 1.30 p.m.