

PLANNING COMMITTEE

Minutes of the proceedings at a meeting of the Planning Committee held on Thursday, 28 January 2021, at 10.00 a.m.

Present

Councillors

Pete McSweeney (Chairman)
Vicky Hughes (Vice-Chairman)

Helen Chaffey
Brian Cooper
Michael Cornah
Philip Dixon

Judy Filmore
Gill Gardner
John Holmes
Janette Jenkinson

Malcolm Lamb
Susanne Long
David Webster

Apologies for absence were received from Councillors Rupert Audland and Dave Khan.

Officers

Chris Gordon	Legal, Governance and Democracy Specialist
Nick Howard	Team Leader Development Management
Lucy Isham	Planning and Enforcement Assistant
Ronan Kelly	Enforcement Officer
Mark Lynch	Interim Development Management Team Leader
Adam Moffatt	Specialist - Legal, Governance and Democracy
Nic Unwin	Specialist - Developmental Management

P/76 CHAIRMAN'S ANNOUNCEMENT

Following confirmation that the live stream of the meeting had commenced, the Chairman welcomed everyone to the virtual meeting of South Lakeland District Council's Planning Committee, in doing so, thanking all officers involved in the process for their work on the project.

The Chairman referred to the new Government legislation allowing councils to conduct remote meetings and explained in detail to all taking part, and for the benefit of members of the public, the procedures for the meeting. He then invited Members of the Planning Committee to introduce themselves, to advise whether they were taking part by video or audio and to confirm that they were able to see (where practicable) and hear all Members participating in the meeting. All Members present, including the Chairman himself, having indicated that this was the case, he referred to officers present at the meeting who would introduce themselves when asked to address the meeting.

P/77 MINUTES

The Chairman informed Members that despite his attendance at the meeting held on the 26 November 2020, Councillor Dixon had not been listed as present at the meeting.

RESOLVED – That:-

- (1) The minutes of the meeting of the Committee held on 26 November 2020 be updated to reflect Councillor Dixon's attendance at the meeting; and
- (2) The Chairman be authorised to sign, as a correct record, the updated minutes of the meeting of the Committee held on 26 November 2020.

P/78 DECLARATIONS OF INTEREST

RESOLVED – That the following declaration of interest be noted:-

- (1) Councillor Gill Gardner declared an interest in agenda item 9, Planning Application No. SL/2020/0364 Cark Manor, Cark-in- Cartmel, Grange-Over-Sands, by virtue to the fact that she felt predetermined on the application.

P/79 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

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

P/80 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:-

Minute No. P/81 (Planning Application No. SL/2020/0579);

Minute No. P/82 (Planning Application No. SL/2019/0602); and

Minute No. P/84 (Planning Application No. SL/2020/0364)

P/81 PLANNING APPLICATION NO. SL/2020/0579 - HELSINGTON PRIZET FILLING STATION, HELSINGTON, KENDAL

Extension of Prizet Service Station to include drive-thru Costa restaurant, 8 no. high-speed electrical vehicle charging points, car parking, landscaping and associated infrastructure (Resubmission of SL/2020/0195)

Note – The Planning Officer's presentation displayed at the meeting had been circulated to Members and displayed on the Council's Website on the day before the meeting.

The Planning Officer presented Planning Application No. SL/2020/0579 which sought full planning permission for the erection of a drive-thru coffee shop with the provision of a car park comprising 31 spaces and eight electric charging points. He highlighted the site at Prizet Roadside Services, Helsington which was located 1 mile south of Kendal on the northbound side section of the A591. Referring to site plans and photographs, the Planning Officer illustrated the features of the site and the proposals for the single storey structure that would have a mono-pitched roof and would utilise local limestone for the walls. He reminded Members of a previous application that had been refused at the July 2020 Planning Committee but that this application, was completely separate. It was highlighted that the site was fairly remote from Kendal and that a sequential test had not been provided by the Applicant.

The Planning Officer highlighted that the proposal would help perpetuate car based travel and that the proposal raised a number of issues with Local Plan Policies and paragraph 86 of the National Planning Policy Framework which required a sequential test to be carried out in respect of main town centre use proposals, which had not been provided by the applicant. The proposal was contrary to the development strategy set out in the Local Plan as it was located in an open countryside location. An objection had been received from the Friends of the Lake District, who felt that the Drive-Thru coffee shop was not

necessary and that the 8 charging points could be provided without the need for the coffee shop.

The Planning Officer referred to the benefits of the application which were 15 jobs that would be provided by the coffee shop and 8 electric charging points that were proposed for the site. In concluding his report, the Planning Officer highlighted the recommendation for refusal as the proposed site was located in an unsustainable location in a rural area and was harmful to the rural character of the area.

Note – at this point in the proceedings the Chairman requested that the public participant, speaking in support of the application, be dialled into the meeting to make his representation.

Simon Hockings, the applicant addressed the Planning Committee in favour of the application.

The Planning Officer responded to concerns raised during public participation.

Members thanked the Planning Officer for a well written report and gave consideration to the application. Members raised questions on the seating options in the proposed coffee shop, why the applicant had not completed the sequential testing, how the application had been called in and the difference between classification between drive-thru and full café/restaurant.

Members debated the application raising points on the application being contrary to a number of the National and Local policies and strategies, the number of Electric Vehicle charging points and their proximity to the site. Further discussion raised the potential increase in traffic and litter if the application was passed, the need for 15 jobs in the local area and the 8 charging points that would be provided by the site if passed and the need to look to the future.

A motion to reject the application was proposed and seconded and a vote was taken on the motion, during which all Planning Committee Members confirmed that they had, without interruption heard the full presentation and discussion on the item and it was

RESOLVED – That the application be refused for the following reasons:-

- (1) The proposed development is located in the open countryside, remote from the nearest settlement of Kendal and therefore would result in unsustainable development in this rural location. The proposed development constitutes a 'main town centre use' but the application has not been subject to a sequential test where more sustainable sites within Kendal have been considered and discounted before out of town sites may be considered. The proposal would therefore be contrary to the aims of Policies CS1.1, CS1.2, CS2, CS7.1, CS7.2 and CS7.4 of the South Lakeland Core Strategy and Policies LA1.0 and LA1.1 of the South Lakeland Land Allocations Development Plan Document, and the sustainability aims of the National Planning Policy Framework.
- (2) The proposed development, due to its close proximity to the road, its elevated nature and the lack of intervening vegetation will result in a development that is highly visible in the rural landscape and would be harmful to the character of the area. The proposed development is therefore contrary to Policy CS8.10 of the South Lakeland Core Strategy and Policies DM1 and DM2 of the Councils Development Management Policies.

P/82

PLANNING APPLICATION NO. SL/2019/0602 - LAND NORTH OF LAUREL GARDENS, KENDAL

Residential development with associated landscaping and infrastructure

Note – The Planning Officer’s presentation displayed at the meeting had been circulated to Members and displayed on the Council’s Website on the day before the meeting.

The Planning Officer presented Planning Application No. SL/2019/0602, which sought permission for full planning permission for 157 dwellings and referred to site plans to highlight the site location. He highlighted the proposal for 157 dwellings on the allocated site, the access route on to the south-eastern boundary via a roundabout on Burneside Road, attenuation ponds and open spaces around the site. He informed Members that the proposed site was to be less dense than originally envisaged and added that the percentage of affordable homes was proposed to be 20.83% and was subject to a financial viability study.

The Planning Officer informed Members that careful consideration had been given to the distances between houses which was proposed to be over 30 metres and considered to give reasonable separation between properties. He noted that the closest property was within 12 metres but that this still met the legal requirement of 10 metres. He added that although the northern footpath would remain unchanged, the public right of way was proposed to be changed to provide a triangular walk around the site.

Referring to objections made, the Planning Officer raised the issue of flooding and informed Members that the majority of the site was located in flood zone 1 but the access route was in flood zone 2. He highlighted the proposed replacement culvert was to be part funded by the developer and Cumbria County Council, and secured through a Section 106 agreement that would significantly reduce the flood risk, resulting in the affected area being removed from the flood zone 2 designation.

The Planning Officer informed Members of minor tree felling that was to be compensated by the planting of over 300 trees. He highlighted the use of bat boxes, swift bricks and hedgehog highways as other measures which had been added as conditions to the application. The Planning Officer moved on to describe a number of other proposed features of the site, which included an upgrade to the current play park, passive solar gain and increased insulation on the houses and 10% of the proposed dwellings would include provision of electric vehicle charging points.

Note – at this point Members were informed, that Doug Coyle (Cumbria County Council) was in attendance at meeting in order to answer any questions.

Doug Coyle emphasised the importance of the collaboration between the developer and Cumbria County Council on the proposed replacement culvert and reminded Members of the importance of this feature that would assist in the prevention of flooding and the provision of housing.

Note – at this point in the proceedings the Chairman requested that the first public participant, be dialled into the meeting to make their representations.

Ros Taylor addressed the Planning Committee in support of the application.

Note – at this point in the proceedings the Chairman requested that the public participants, speaking in opposition to the application, be dialled into the meeting to make their representations.

Nadine Scott and Daniel Wilkinson addressed the Planning Committee in opposition to the application.

Note – at this point in the proceedings the Chairman requested that the public participant, speaking in support of the application, be dialled into the meeting.

Harry Tonge addressed the Planning Committee in support of the application.

The Planning Officer and Doug Coyle responded to concerns raised during public participation.

The Planning Officer, the Interim Development Management Team Leader and Doug Coyle, responded to questions raised by Members.

Members thanked the Planning Officer for a well written report and gave consideration to the application. Members agreed that the site was on allocated land and was in accordance with the Development Plan and recognised that whilst it was a difficult site to develop, the reduction in the number of units had made the site more appealing and would improve the quality of life for residents. However, concerns were raised by a number of Members who felt that the Local Plan target of 35% affordable homes had become more difficult to achieve and seemed to be aspirational.

A motion to approve the application was proposed and seconded and a vote was taken on the motion, during which all Planning Committee Members confirmed that they had, without interruption heard the full presentation and discussion on the item and it was

RESOLVED – That the application be approved, subject to:-

- (1) A section 106 agreement to secure thirty two units of affordable housing;
- (2) £50,000 contribution towards enhancement of off-site recreational open space;
- (3) Contribution towards enhancement of off-site drainage - this will be reported at committee;
- (4) Payment of SLDC legal fees;
- (5) £6,600 contribution to pay for the Travel Plan administration; and
- (6) The following conditions;

Condition (1) The development hereby permitted shall begin not later than three years from the date of this decision.

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.

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

Location plan BRK.001

Strategic Site Plan Proposed, dwg no BRK.100 (K)

Detailed Site Layout (Sheet 1 of 2) Dwg no BRK.101 (E)

28.01.2021

Planning Committee

Detailed Site Layout (sheet 2 of 2). Dwg no BRK.102 (E)

Proposed site sections (sheet 1 of 2) BRK.110

Proposed site sections (sheet 2 of 2) BRK.111

Proposed indicative landscaping plan BRK.160 Rev A

House Types (proposed elevations & floor plans) December 2019; all plans contained in the document.

Elevational finishes plan BRK.103 (A)

External finishes BRK.130

Boundary treatment plan BRK.104 (A)

Proposed Plan of Cycle Stores received 4/12/2019.

Road markings and Signage Proposed Mini Roundabout. Dwg no 2016/1609/003

Lower detention basin construction details K32588/A1/52

Middle detention basin construction details K32588/A1/51

Upper detention basin construction details K32588/A1/50

Surface water drainage outfall pipe long section K32588/A1/47 Rev A

Surface water drainage outfall pipe plan K32588/A1/46 Rev A

Foul & surface water drainage plan 4 of 4 K32588/A1/45

Foul & surface water drainage plan 3 of 4 K32588/A1/44

Foul & surface water drainage plan 2 of 4 K32588/A1/43

Foul & surface water drainage plan 1 of 4 K32588/A1/42

Surface water drainage catchment plan sheet 1 of 2 K32588/A1/40

Surface water drainage catchment plan sheet 2 of 2 K32588/A1/41

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

Highway conditions

Condition (3): Development shall be carried out in accordance with the Construction Management Plan (CMP) incorporating the Health and Safety and Traffic Management Plan submitted on 07/02/2020 and Construction Management Plan for Sustainable Drainage Systems by RG Parkins submitted on 17/12/2019.

Reason: In the interests of ensuring highway safety and to safeguard the amenity of existing dwellings in accordance with policy DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

Condition (4): The carriageway, footways, footpaths, cycleways, shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work in relation to the approved highways shall be commenced until a full specification has been approved.

These details shall be in accordance with the standards laid down in the current Cumbria Design Guide.

Reason: To ensure a minimum standard of construction in the interests of highway safety.

Condition (5): No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason: In the interests of highway safety.

Condition (6): The access and parking/turning requirements necessary during construction of the development shall be laid out before any building work commences on site so that constructional traffic can park and turn clear of the highway.

Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

Condition (7) No individual dwelling shall be first occupied until it has been provided with the secure cycle parking provision as indicated on the Proposed Plan of Cycle Stores received 4/12/2019. Thereafter, such provision shall not be removed or altered in such a way that would compromise its use as secure cycle parking.

Reason: To ensure an acceptable standard of cycle parking in accordance with policy DM9 (Parking Provision, new and loss of car parks) of the South Lakeland Development Management Policies Development Plan Document.

Condition (8) No individual dwelling shall be first occupied until its parking provision, as indicated on the Drawings "Detailed Site Layout (Sheet 1 of 2) Drawing no.BRK.101 (E)" and "Detailed Site Layout (sheet 2 of 2). Drawing no.BRK.102 (E) and, where applicable, integral garages shown on the relevant house type designs, has been constructed and made available for use.

Reason: To ensure the timely provision, in the interests of highway safety, of car parking in accordance with policy DM9 (Parking Provision, new and loss of car parks) of the South Lakeland Development Management Policies Development Plan Document.

Condition (9) Within 6 months of the development (or any part thereof) being first occupied, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the development (or any part thereof) being first occupied.

Reason: To aid in the delivery of sustainable transport objectives in accordance with Policy CS10.2 of the South Lakeland Core Strategy 2010.

Drainage conditions

Condition (10) Foul and surface water drainage for each dwelling must be provided in accordance with the following approved plans:

Lower detention basin construction details K32588/A1/52

Middle detention basin construction details K32588/A1/51

Upper detention basin construction details K32588/A1/50

Surface water drainage outfall pipe long section K32588/A1/47 Rev A

Surface water drainage outfall pipe plan K32588/A1/46 Rev A

Foul & surface water drainage plan 4 of 4 K32588/A1/45

Foul & surface water drainage plan 3 of 4 K32588/A1/44

Foul & surface water drainage plan 2 of 4 K32588/A1/43

Foul & surface water drainage plan 1 of 4 K32588/A1/42

Surface water drainage catchment plan sheet 1 of 2 K32588/A1/40

Surface water drainage catchment plan sheet 2 of 2 K32588/A1/41

Construction of the surface water drainage system must also adhere to: (1) the design principles established in the "Flood Risk Assessment & Drainage Design Report", produced by R G Parkins & Partners Ltd: report ref. K32588/03/FRA/Ryh REVISION A, dated July 2019.

No individual dwelling shall be first occupied until the relevant parts of the surface water drainage system serving it, together with associated exceedance routes, have been constructed and made operational in accordance with the approved plans.

Reason: To ensure adequate provision is made for the management of surface water in accordance with Policy DM6 of the South Lakeland Development Management Policies Development Plan Document.

Condition (11): Prior to first occupation of the dwellings hereby approved, the works to upsize and divert the existing culvert, as discussed in section 6.3 of the approved Flood Risk Assessment & Drainage Strategy, shall be completed and retained thereafter.

Reason: To safeguard the development from existing flood risk within the site and to ensure that the development does not increase flood risk elsewhere in accordance with Policy DM6 of the South Lakeland Development Management Policies Development Plan Document .

Condition (12): A Surface Water Validation Report that demonstrates that the drainage scheme and exceedance routes are being carried out in accordance with the approved documents shall be submitted for approval to the Local Planning Authority for each distinct phase of this development, but should include as a minimum a construction validation, pre occupation validation and post 50% occupation validation.

Reason: To ensure adequate provision is made for the management of surface water in accordance with Policy DM6 of the South Lakeland Development Management Policies Development Plan Document.

Landscape and Ecology Conditions

Condition (13) The development shall not proceed except in accordance with the mitigation strategy described in the Ecological Appraisal prepared by 'Envirotech' dated August 2018 and deposited with the Local Planning Authority on 7th May 2019.

Reason: For the avoidance of doubt and to prevent harm to protected species in accordance with Policy DM1 of the Development Management Policies Development Plan Document and Policy CS8.4 of the South Lakeland Core Strategy.

Condition (14) The development shall not proceed except in accordance with the strategy described in Treescapes Consultancy Pre-development Arboricultural Report dated 24th June 2019 and deposited with the Local Planning Authority on 17th July 2019.

Reason: For the avoidance of doubt and to prevent harm to protected trees in accordance with Policy DM4 of the Development Management Policies Development Plan Document and Policies CS8.1 and CS8.2 of the South Lakeland Core Strategy and the application of BS5837 (British Standard for Trees in relation to the design, demolition or construction phase of a development or any subsequent replacement British Standard)

Condition (15) Prior to commencement of development, a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and a maintenance and implementation programme.

a) The approved landscaping scheme shall be fully implemented within the first planting season following completion of the development.

b) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification -for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).

c) All new tree plantings shall be positioned in accordance with the requirements of Table A.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction(Recommendations)

d) Any trees, shrubs or hedges planted in accordance with this condition which is removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in accordance with Policies DM2 and DM6 of the South Lakeland Development Management Policies Development Plan Document and CS8.1 of the South Lakeland Core Strategy 2010.

Condition (16) Prior to first occupation of the development a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: To safeguard and enhance the character of the area and secure high quality landscaping in accordance with Policies DM1, DM2 and DM4 of the Development Management Policies Development Plan Document

Design and Layout conditions

Condition (17) The dwellings hereby approved shall be constructed to meet the Building Regulations M4(1) M4(2) and M4(3) standards for accessible and adaptable homes as per the Accessibility Schedule prepared by Russell Armer Homes dated January 2020 and submitted to the Local Planning Authority on 5th February 2020.

Reason To secure an appropriate level of compliance with Policy DM11 of the South Lakeland Management Policies Development Plan Document.

Condition (18) The materials to be used in the construction of the external surfaces of the dwellings and garages hereby approved shall be as specified on Drawing BRK.130 – External Finishes and shall be retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure compliance with South Lakeland Core Strategy Policy CS8.10 (Design) and policies DM1 (General Requirements for all development) and DM2 (Achieving Sustainable High Quality Design) of the South Lakeland Development Management Policies Development Plan Document.

Condition (19) Prior to the erection of any superstructure plans shall be submitted to the Local Planning Authority for written approval to the proposed biodiversity net gains in respect of Swift bricks / bird boxes. The approved details shall be fully implemented and retained thereafter.

Reason: To ensure the development meets its objective to accord with the DM DPD Policy DM4, and in accordance with the National Planning Policy Framework paragraphs 174(b).

Condition (20) None of the dwellings hereby approved shall be first occupied until the necessary infrastructure is installed to enable access to high speed (superfast) broadband, unless it is demonstrated to be unfeasible in the terms set out in policy DM8 (High Speed Broadband for New Developments) of the South Lakeland Development Management Policies Development Plan Document.

Reason: To comply with policy DM8 (High Speed Broadband for New Developments) of the South Lakeland Development Management Policies Development Plan Document.

Condition (21) No individual dwelling shall be first occupied until its boundary has been enclosed in accordance with the details shown on approved drawing Boundary Treatment Plan BRK.104 (A).

Reason: To ensure compliance with South Lakeland Core Strategy Policy CS8.10 (Design) and policies DM1 (General Requirements for all development) and DM2 (Achieving Sustainable High Quality Design) of the South Lakeland Development Management Policies Development Plan Document.

Environmental conditions

Condition (22) The construction shall take place in accordance with the Construction Management Plan, dated 16/12/2019 and the approved construction method statement shall be adhered to throughout the construction period

Reason: To safeguard the amenity of adjacent residential properties in accordance with Policy DM1 of the South Lakeland Development Management Policies Development Plan Document.

Condition (23) Construction works, including site preparation, earthworks, start-up of machinery, deliveries and unloading of equipment and materials shall not take place outside the hours of 08.00 - 18.00 Mondays to Fridays and 08.00 - 13.00 on Saturdays and at no time on Sundays, Public or Bank Holidays.

Reason: To safeguard the amenity of neighbouring occupiers in accordance with National Planning Policy Framework - Chapter 2 - Achieving sustainable development, para 8 and Chapter 12- Achieving well-designed places, para 127.

Condition (24) The development shall be undertaken in compliance with the Geo Environmental Site assessment Phase 1 and Phase 2 reports dated November 2016 and January 2017 respectively.

Should any contamination be found during the construction, a validation report and remediation statement from a competent person, detailing any contamination found during development (including any remediation undertaken) will be required to be submitted and approved in writing by the Local Planning Authority upon completion of the development. This will require reference to the Phase Two report.

Reason: To remove any risk or concerns for future occupants or owners of the development, and to ensure that site workers are not exposed to the unacceptable risks from contamination during construction in accordance with Policy DM7 of the South Lakeland Development Management Policies Development Plan Document.

Condition (25) Before first occupation of the dwellings, a plan showing 10% of the units to be provided with a functioning electric vehicle charging point, shall be submitted to and approved by the Local Planning Authority. The approved plan shall be fully implemented prior to first occupation of the identified dwellings.

Reason To ensure that the development is at least air quality neutral in accordance with Policy DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

P/83

PLANNING APPLICATION NO. SL/2020/0943 - 9 CASTLE DALE, KENDAL

Note – Councillor Jenkinson left the meeting at this stage in the proceedings (12.08 p.m.)

Note – The Committee voted to adjourn for a break at 12.08 p.m. and reconvened at 12.20 p.m. when a roll call was taken, all Members confirming that they were present, that they were able to see (where practicable) and hear all Members participating in the meeting.

Note – The Planning Officer’s presentation displayed at the meeting had been circulated to Members and displayed on the Council’s Website on the day before the meeting.

Single storey rear extension with garage attached (Revised scheme SL/2019/0603 – Part Retrospective)

Note – The Planning Officer’s presentation displayed at the meeting had been circulated to Members and displayed on the Council’s Website on the day before the meeting.

The Planning Officer presented Planning Application No.SL/2020/0943 which sought permission to erect a single storey rear extension with an attached garage at No. 9 Castle Dale, Kendal. She displayed a site plan and photographs to highlight the site and reminded Members that they had previously considered and approved an application on this site for a similar proposal but that the applicant, who was an employee of South Lakeland District Council, had run into issues relating to drainage which altered the

applicant's plans. Referring to the updated plans, the Planning Officer highlighted that when building the previously approved development began, the applicant had found that it was necessary to amend the design due to the presence of a drainage pipe. This involved extending the proposal by a further 0.6 metres from the rear elevation of the host dwelling from the approved 4 metres to 4.6 metres. She informed Members that even though the garage remains the same length as originally approved it is now positioned 0.7 metres further south than the garage, as approved under SL/2019/0603 and also advised that a window had been added to the rear elevation of the garage but that the rest of the development remained as previously approved.

The Planning Officer referred to photographs of the location and informed Members that it was considered that the proposals would cause no significant harm to the neighbouring properties and that an outbuilding belonging to a neighbour helped to reduce the impact on neighbouring amenity.

The Planning Officer responded to questions raised by Members.

Members thanked the Planning Officer for a well written report and gave consideration to the application.

A motion to approve the application was proposed and seconded and a vote was taken on the motion, during which all Planning Committee Members confirmed that they had, without interruption heard the full presentation and discussion on the item and it was

RESOLVED – That the application be approved, subject to the following conditions:-

Condition (1) The development hereby permitted shall begin not later than three years from the date of this decision.

Reason (2) 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.

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

'Single storey rear extension with garage attached at No.9, Castle Dale, Kendal. (Part Retrospective)' Drawing Number A1.CA.12.20.

Reason (2) For the avoidance of doubt and in the interests of proper planning.

Condition (3) The development hereby permitted shall be constructed of the materials details of which are shown on Drawing Number A1.CA.12.20. The approved materials shall be retained thereafter, unless otherwise approved in writing by the Local Planning Authority.

Reason (3) To ensure the development is of a high quality design in accordance with Policy DM2 of the Development Management Policies Development Plan Document and Policy CS8.10 of the South Lakeland Core Strategy.

Condition (4) Prior to the first occupation of the approved development, a nest box shall be erected on site in accordance with Drawing Number A1.CA.12.20.

Reason (4) To ensure net biodiversity gains in accordance with Policies DM1 & DM4 of the Development Management Policies Development Plan Document and Policies CS1.1 & CS8.4 of the South Lakeland Core Strategy.

P/84

PLANNING APPLICATION NO. SL/2020/0364 - CARK MANOR, CARK-IN-CARTMEL, GRANGE-OVER-SANDS

Change of use from residential dwelling (Use Class C3) to a mixed use of residential dwelling (Use Class C3) and holiday let (Sui Generis) and the formation of hard standing for car parking (part retrospective).

Note – Councillor Gill Gardner declared an interest in this item by virtue of the fact that she felt predetermined on the application. Councillor Gardner was disconnected from the meeting for this item.

Note – The Planning Officer’s presentation displayed at the meeting had been circulated to Members and displayed on the Council’s Website on the day before the meeting.

Before presenting his report, the Planning Officer read out representations objecting to the application from Laura Stewart and Fay McClure, who had both registered to address the Planning Committee under the Council’s public participation scheme but were ultimately unavailable to speak on the day.

The Planning Officer responded to concerns raised during public participation.

The Planning Officer presented Planning Application No. SL/2020/0364, which sought permission for the change of use of Cark Manor from a residential dwelling to a mixed use residential dwelling and holiday let, including the construction of a parking area (retrospective) and access track to existing access to the south. He informed Members that the application had been called in by a Member and added that the building was Grade II listed.

The Planning Officer referred to a site plan and photographs to illustrate the location of the site and highlighted the closest dwellings as Dobbie Bank which were situated 75 metres away from the building. He informed Members that the entrance to the site was on Station Road and pointed out the proposed areas for parking, the one way access track and the exit, which was on Sunny Bank. Further photographs highlighted the beech hedge along the boundary, the wall between Cark Manor and Dobbie Bank and stated that the site was well screened with the recently planted hedges improving the screening in the future. The Planning Officer informed Members that he felt that the visibility for the entrance was poor but the exit was slightly better.

The Planning Officer informed Members that in principle, the location was highly sustainable, with good access via both public transport and road, and that as proposed tourist accommodation it would be a suitable location. He added that rubber mesh had been used on the car park to limit the impact on the site and that further planting of vegetation would reduce the formality of the hedges.

The Planning Officer raised the point of the intensification of the site, but added that this was only slight and that no objections had been made from the Highways Authority at Cumbria County Council. He informed Members that the impact on local amenity would be mitigated by the fact that the building was set in extensive grounds which would reduce noise and the substantial wall between the car park and Dobbie Bank would further reduce this.

In concluding his report, the Planning Officer referred to a number of local objections relating to Planning breaches, which would be investigated by the enforcement team, adding that the proposed tourist accommodation would make a contribution to the local economy.

Note – at this point in the proceedings the Chairman requested that the public participant, speaking in support of the application, be dialled into the meeting.

Rachael Leather, the Agent for the Applicant, addressed the Planning Committee in support of the application.

Members thanked the Planning Officer for a well written report and gave consideration to the application. During lengthy discussion, Members expressed their support for the application but raised concerns over the location of the Parking and the impact of noise on local residents.

The Planning Officer and the Interim Development Management Team Leader responded to Members concerns. As a result of Members consideration of the application, it was felt that an alternative location for the car park should be further explored by the applicant and officers.

A motion to defer the application was proposed and seconded and a vote was taken on the motion, during which all Planning Committee Members confirmed that they had, without interruption heard the full presentation, and discussion on the item and it was

RESOLVED – That the application be deferred, in order for the applicant and officers to discuss the location of the car park and explore any further options.

Note – Councillor Gill Gardner re-joined the meeting following the conclusion of the discussion and voting on the item.

P/85

PLANNING APPLICATION NO. SL/2020/0497 - MARKET CROSS, MARKET PLACE, KIRKBY LONSDALE

Removing the existing roof covering and replace with new liquid applied roof covering, repairs of damaged masonry, new proprietary outlet and repair of stone flag paving

Note – The Planning Officer’s presentation displayed at the meeting had been circulated to Members and displayed on the Council’s Website on the day before the meeting.

The Planning Officer presented Planning Application No. SL/2020/0497, which sought full listed planning permission to remove the existing roof covering and replace it with a new liquid applied roof covering, repair damaged masonry, new proprietary outlet and repair the existing stone flag paving. He informed Members that the Council was the applicant and referred to a site plan to indicate the location in Kirkby Lonsdale.

The Planning Officer referred to photographs to highlight the areas of the structure that would be repaired and informed Members that the current material on the roof had failed and could potentially damage the stonework and masonry. He added that the modern liquid roof covering cannot be seen from street level and that lead capping would be used. He added that the roof covering would also provide structural integrity to maintain the listed building and that repairs would be mainly to the existing flagging.

In concluding his report, the Planning Officer highlighted that the Conservation Officer was happy with the application and that the plans had been conditioned to ensure they are done in an appropriate manner.

Members thanked the Planning Officer for a well written report and gave consideration to the application. During discussion on the item, Members raised questions on the consideration of using slate on the roof.

28.01.2021

Planning Committee

A motion to approve the application was proposed and seconded and a vote was taken on the motion, during which all Planning Committee Members confirmed that they had, without interruption heard the full presentation, and discussion on the item and it was

RESOLVED – That the application be approved, subject to the following conditions:-

Condition (1) The development hereby permitted shall begin no later than three years from the date of this decision.

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.

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

- Block and Site Location plan, date received 14/07/2020
- Proposed Plans and Elevations (518-01A), date received 21/12/2020
- Proposed Plan and Section (518-02A), date received 21/12/2020
- Upstand Details (518-03B), date received 21/12/2020

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

P/86

PLANNING APPLICATION NO. SL/2020/0498 - MARKET CROSS, MARKET PLACE, KIRKBY LONSDALE

Removing the existing roof covering and replace with new liquid applied roof covering, repairs of damaged masonry, new proprietary outlet and repair of stone flag paving

Note – The Planning Officer’s presentation displayed at the meeting had been circulated to Members and displayed on the Council’s Website on the day before the meeting.

The Planning Officer presented Planning Application No. SL/2020/0498, which sought listed building consent to remove the existing roof covering and replace it with a new liquid applied roof covering, repair damaged masonry, new proprietary outlet and repair the existing stone flag paving.

Note – As Planning Application No. SL/2020/0498 was identical to the previous item, Planning Application No. SL/2020/0497, the committee agreed to use the Planning Officer’s presentation from the previous item.

Members thanked the Planning Officer for a well written report and gave consideration to the application.

A motion to approve the application was proposed and seconded and a vote was taken on the motion, during which all Planning Committee Members confirmed that they had, without interruption heard the full presentation, and discussion on the item and it was

RESOLVED – That the application be approved, subject to the following conditions:-

Condition (1) The development hereby permitted shall begin no later than three years from the date of this decision.

Reason: To comply with the requirements of. Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- Block and Site Location plan, date received 14/07/2020
- Proposed Plans and Elevations (518-01A), date received 21/12/2020
- Proposed Plan and Section (518-02A), date received 21/12/2020
- Upstand Details (518-03B), date received 21/12/2020

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

P/87**A REPORT ON MONTHLY ENFORCEMENT ACTIVITY**

The Planning Enforcement Officer introduced the Monthly Enforcement Report which outlined the enforcement activity and fees generated from 1 November to 31 December 2020.

The Enforcement Officer responded to questions raised by Members and undertook to provide a response outside of the meeting regarding 20180, Hartlands, Fernhill Road, Grange-Over-Sands. Members thanked the Enforcement Officer for his continued hard work in difficult circumstances.

RESOLVED - That the contents of Appendices 1 to 4 to the report be noted.

The meeting ended at 1.51 p.m.