

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, 27 October 2022, at 10.00 a.m.

Present

Councillors

Pete McSweeney (Chairman)
Malcolm Lamb (Vice-Chairman)

Giles Archibald
Rupert Audland
Brian Cooper
Michael Cornah

Gill Gardner
John Holmes
Vicky Hughes
Janette Jenkinson

Susanne Long
David Webster

Apologies for absence were received from Councillors Philip Dixon, Judy Filmore and Chris Hogg.

Officers

Liz Arnold

Senior Specialist - Development Management

Nick Howard

Team Leader Development Management

Adam Moffatt

Legal, Governance and Democracy Specialist

Charlotte Pinch

Specialist Level 2 (Development Management)

P/25 CHAIRMAN'S ANNOUNCEMENT

The Chairman read the health and safety announcement and informed Members that the application due to be considered under Agenda Item No. 7 SL/2022/0083 Stephenson Centre, Ann Street, Kendal LA9 6AA had been withdrawn from the agenda for the meeting due to late information submitted by the statutory consultees regarding the application.

P/26 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting held on 25 August 2022.

P/27 DECLARATIONS OF INTEREST

RESOLVED – That it be noted that Councillor Gill Gardner declared a non-pecuniary interest by virtue of the fact that she had called in the application and had registered to speak in objection to the application being considered under Minute No. P/30 (Planning Application No. SL/2022/0725 – Lakeland Leisure Park, Moor Lane, Flookburgh, Grange-over-Sands LA11 7LT).

P/28 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That it be noted that the item in Part II of the Agenda be considered following the exclusion of the press and public.

P/29 PUBLIC PARTICIPATION

RESOLVED – That it be noted that applications to speak under the Council’s public participation scheme had been received in respect of the follow Agenda Items:-

- (1) Minute No. P/30 (Planning Application No. SL/2022/0725 Lakeland Leisure Park, Moor Lane, Flookburgh, Grange-over-Sands LA11 7LT); and
- (2) Minute No. P/31 (Planning Application No. SL/2022/0083 Stephenson Centre, Ann Street, Kendal LA9 6AA).

P/30 PLANNING APPLICATION NO. SL/2022/0725 LAKELAND LEISURE PARK, MOOR LANE, FLOOKBURGH, GRANGE-OVER-SANDS LA11 7LT

Redevelopment of touring area to provide new pitches for the siting of static caravans with associated demolition, landscaping, infrastructure, and other works and an overall change to the total caravan pitches allowed at Lakeland Leisure Park to enable up to 1,147 pitches (Major application).

Note – Councillor Gill Gardner declared a non-pecuniary interest in this agenda item, by virtue of the fact that she had called this application in and intended to speak in objection to this item. She confirmed that she would leave the Council Chamber following her address.

The Planning Officer presented Planning Application No. SL/2022/0725. The proposal sought approval for the redevelopment of the touring area to provide new pitches for the siting of static caravans with associated demolition, landscaping, infrastructure and other works and an overall change to the total caravan pitches allowed at Lakeland Leisure Park enabling up to 1,147 pitches. She displayed photographs and site plans, which outlined the proposal and provided full details of the application, which had been included within the report.

Note – Councillor Vicky Hughes arrived at 10.08 a.m.

Members’ attention was drawn to the issues of primary concern as set out in the Planning Officers’ presentation, which were:-

- Principle of development;
- Landscape; and
- Highway Safety

The Planning Officer informed Members that although some hedges would be lost, the wider proposals would result in a biodiversity net gain.

Furthermore, Members attention was drawn to an additional condition, proposed by the Planning Officer, regarding the opening hours and occupation of the site as set out below:-

Condition (10) This permission only authorises the occupation of caravans on this site:

- (a) Between the period 1 March to 14 November
- (b) At weekends (Friday night to Monday morning) between 14 November and 23 December; and

(c) During the period 23 December to 7 January

It does not permit any occupation between 7 January and 1 March

Reason: To prevent the use of caravans as main or permanent residences and to protect the site environment and to accord with the existing site, in accordance with Policy DM18 of the Local Plan Development Management Policies.

Councillor Fiona Hanlon, Ward Member for Grange, spoke in objection to the application. Following her address, Councillor Hanlon was asked to leave the District Council Chamber.

Councillor Gill Gardner, Ward Member for Cartmel, spoke in objection to the application. Following her address, Councillor Gardner was asked to leave the District Council Chamber.

Phil Marsden, the applicant's agent spoke in support of the application.

The Planning Officer responded to issues raised within the public participation.

Members requested clarity on a number of key issues including, foul water drainage, biodiversity loss, flood impact, the positive impact on local jobs (both directly and indirectly) and the advertised economic benefit of over £2 million.

The Planning Officer and Development Management Team Leader provided detailed responses to a number of questions raised by Members.

Members expressed concern over a query regarding the number of pitches on the site, which remained unclear. The Development Management Team Leader proposed that this item be deferred, to allow officers to do further research to provide an accurate answer to Members following the consideration of the next agenda item.

Members proposed and seconded and unanimously

RESOLVED – That Planning Application No. SL/2022/0725 be adjourned in order to provide officers time to undertake further research, with the item being resumed up following Agenda Item No. 8 (Planning Application No. SL/2022/0612 60 Dowkers Lane, Kendal, LA9 4DN).

P/31

PLANNING APPLICATION NO. SL/2022/0083 STEPHENSON CENTRE, ANN STREET, KENDAL, LA9 6AA

This application was withdrawn from the agenda prior to the commencement of the meeting.

P/32

PLANNING APPLICATION NO. SL/2022/0612 60 DOWKERS LANE, KENDAL, LA9 4DN

Removal of S.106 requirement to comply with local occupancy condition attached to planning permission reference SL/2006/0194.

Note – Councillor Gill Gardner returned to the meeting following the adjournment of Minute No. P/33 Planning Application No. SL/2022/0725 Lakeland Leisure Park, Moor Lane Flookburgh, Grange-over-Sands, LA11 7LT

The Planning Officer presented Planning Application No. SL/2022/0612. The proposal sought removal of the Section 106 (S106) requirement to comply with local occupancy condition attached to planning permission reference SL/2006/0194. Members were informed that the proposal was in effect, removing the applicable clauses relating to local occupancy from the S106 and that the seven flats other flats at this location did not have the same restrictions.

Members' attention was drawn to the site and planning history, the Planning Officer highlighted that in accordance with the current policies the application would normally be approved by officers.

The Chairman informed Members that this application had been referred to Planning Committee at his request as Members had previously expressed concern regarding second home ownership and the removal of local occupancy clauses.

The Planning Officer and Development Management Team Leader provided detailed responses to a number of questions from Members. Members expressed concern regarding the potential for this property to be used as a holiday let, the impact on the vitality of the town centre and the potential for a precedent to be set by approving this application.

The Development Management Team Leader reminded Members that each application had to be treated on its own merit. The Solicitor confirmed and added that speculation of the end use of a property was not a material planning consideration.

Following further discussion on the item, a motion to refuse the application on the grounds of enhancing the vitality of the town centre was put forward and seconded.

During debate on the item, the Committee expressed differing opinions on the proposal, a number of members expressed support for the proposal to refuse, which they felt would protect the town centre. However, a group of Members felt that they could not support the proposal.

A vote was taken on the motion to refuse the application and, an equality of votes being received, the Chair used his casting vote. The motion was successful.

Following the vote the following Members wished to have their vote against the motion recorded under Rule 15.7 of the Council's Constitution:-

Councillor Brian Cooper
Councillor Michael Cornah;
Councillor John Holmes; and
Councillor Janette Jenkinson.

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

The loss of a local occupancy dwelling within Kendal Town Centre would result in a harmful impact on the viability and vitality of the town centre, contrary to Policy DM24 of the South Lakeland Development Management Policies DPD.

P/33

PLANNING APPLICATION NO. SL/2022/0725 LAKELAND LEISURE PARK, MOOR LANE, FLOOKBURGH, GRANGE-OVER-SANDS LA11 7LT

Note – Following the completion of the previous item, Members agreed a short comfort break before continuing the meeting and the meeting was adjourned at 11.30 a.m. The meeting was reconvened at 11.40 a.m.

Note – Councillor Gill Gardner left the meeting before the discussion on Minute No. P/33 Planning Application No. SL/2022/0725 Lakeland Leisure Park, Moor Lane Flookburgh, Grange-over-Sands, LA11 7LT resumed

Note – Members passed a resolution to adjourn this item to later in the meeting, to provide officers the opportunity to undertake further research to provide clarity on the queries raised by Members under Minute No. PL/30 (Planning Application No. SL/2022/0725 Lakeland Leisure Park, Moor Lane, Flookburgh, Grange-over-Sands, LA11 7LT)

The Development Management Team Leader informed Members that the total number of pitches on site had approval for 993 static pitches and 185 touring pitches. As a result of the proposals, there would be an overall reduction to the number of pitches.

Following a request from Members, the Development Management Team Leader advised that it was possible to add a cap to the number of pitches within the site boundary through an additional condition.

During further debate on the item, Members requested an amendment to Condition 7, which prevented delivery of static caravans between 08:00-10:00 and between 15:00-18:00 on any day to cover the school run periods.

Members expressed concern regarding the comments of both Allithwaite and Cartmel and Lower Holker Parish Councils on foul water drainage. Following discussion on their concerns, Members requested an additional Condition requiring further information on the foul water scheme.

Following a proposal to approve the application, subject to the additional and amended conditions, the Development Management Team Leader informed Members that conditions 1 to 6 would remain the same, with amendments to Conditions 7 and 8, and the inclusion of conditions 10 to 12 as requested by Members.

During debate, Members considered the positives and negatives of the Application and noted that it was a well-run site. Members requested further information on the statement contained within the additional document supplied by the applicant, which referred to local schools using the on-site swimming pool during certain times of the year.

Through the Chairman, Councillor Giles Archibald requested further information on this matter from Phil Marsden, the applicant's agent, who indicated that this was the case.

Following a request from Members, the Development Management Team Leader and the Legal, Governance and Democracy Specialist undertook to send the minutes of the meeting to the relevant Parish Councils upon completion to highlight the decision that had been taken by the Committee.

A vote was taken and it was

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

- (1) The development hereby permitted shall be commenced before the expiration of three years from the date hereof.

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

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

- Location Plan – LA/LD02/01 Rev B
- Site Plan Touring Area: Proposed - LA/LD02/03 Rev D
- Proposed Overall Masterplan - LA/LD04/01 Rev B
- Site Plan Whole Park: Proposed – LA/LD04/03
- Tourers to Static - 1001 Rev C
- Tourers to Static Indicative Sections – SE01 Rev B
- Tourers to Static – SK01 Rev D
- Tree Constraints Plan - 1831-KC-XX-YTRE-TPPO1 Rev O
- Tree Protection Plan – 1831-KC-XX-YTRE-TPPO1 Rev C
- Flood Risk Assessment
- Sustainable Drainage Report
- Framework Travel Plan
- Landscape Strategy
- Arboricultural Method Statement
- Transport Assessment

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

- (3) a) Prior to the installation of any of the lodges and caravans hereby approved on the site, full details of the design and external materials and finishes of the lodges shall be submitted to and approved in writing by the Local Planning Authority.
- (3) b) The approved details shall be fully implemented and retained thereafter.

Reason To protect the amenity of the area in accordance with policy CS8.2 of the South Lakeland Core Strategy.

- (4) The lodges and caravans hereby permitted shall not be occupied other than as holiday accommodation. They shall not be used at any time as sole and principal residences by any occupants.

Reason To safeguard the local tourist economy in accordance with Policy CS7.6 of the South Lakeland Core Strategy.

- (5) A register of all occupants of the accommodation hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request. The register shall comprise consecutively numbered pages, which shall be kept in order, and each entry shall contain the name and address of the principal occupier together with the dates of occupation.

Reason To safeguard the local tourist economy in accordance with Policy CS7.6 of the South Lakeland Core Strategy.

- (6) No development shall take place, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The approved Construction Vehicle Management Plan shall be adhered to throughout the construction period.

Reason These details are required to be approved before the commencement of development to safeguard the amenity of neighbouring occupiers in accordance with National Planning Policy Framework.

- (7) No static caravans shall be delivered to the site between 08:00-10:00 and between 15:00-18:00 on any day. A record of all heavy goods vehicles leaving/accessing the site each day shall be maintained by the operator at all times and access to this record shall be afforded to the Local Planning Authority on request.

Reason: To keep to acceptable levels the impact of lorry traffic on the amenity of local residents and other road users. To support Local Transport Plan Policies.

- (8) Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The drainage scheme including mitigation methods submitted for approval shall also be in accordance with the principles set out in the Flood Risk Assessment & Drainage Statement proposing surface water discharging to watercourse.

The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

- (9) The development shall not proceed except in accordance with the mitigation strategy described in the submitted Preliminary Ecological Appraisal prepared by Tyler Grange dated 10 October 2022 and received by the Local Planning Authority on 12 October 2022.

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

- (10) This permission only authorises the occupation of caravans on this site:
- (a) Between the period 1 March to 14 November
 - (b) At weekends (Friday night to Monday morning) between 14 November and 23 December; and
 - (c) During the period 23 December to 7 January

It does not permit any occupation between 7 January and 1 March

Reason: To prevent the use of caravans as main or permanent residences and to protect the site environment and to accord with the existing site, in accordance with Policy DM18 of the Local Plan Development Management Policies.

- (11) The development hereby approved shall not be occupied until for a scheme for the disposal of foul waste has been submitted to and approved in writing by the Local Planning Authority.
The development shall not be occupied until the approved scheme has been provided on the site to serve the development. A validation report (that demonstrates that the drainage scheme has been carried out in accordance with the approved plan) must be submitted to the Local Planning Authority.
The approved works shall be retained as such thereafter.

Reason: To ensure adequate provision is made for the management of sewage disposal in accordance with Policies DM1, DM6 and DM7 of the Development Management Policies Development Plan Document and Policy CS8.8 of the South Lakeland Core Strategy.

- (12) No more than 1147 static caravan pitches, as defined in the Caravan Sites and control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site known as Lakeland Leisure Park at any time. No additional touring pitches or facilities are allowed within the site at any time.

Reason: For the avoidance of doubt and to protect the amenity of the local area.

P/34

PRESS AND PUBLIC

RESOLVED - That, under Section 100(A)(4) of the Local Government Act 1972, the press and public, be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12 A of the Act as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the paragraphs indicated.

P/35

A REPORT ON MONTHLY ENFORCEMENT ACTIVITY

- *Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)*
- *Paragraph 4 - Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising*

between the authority or a Minister of the Crown and employees of, or office holders under the authority.

- *Paragraph 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*

Note – Councillor Gill Gardner returned to the meeting following the conclusion of Minute No. P/33 Planning Application No. SL/2022/0725 Lakeland Leisure Park, Moor Lane Flookburgh, Grange-over-Sands, LA11 7LT

The Planning Development Management Team Leader presented a confidential update on the Monthly Enforcement Activity between May 2022 and August 2022.

RESOLVED – That the report and Appendices 1 and 2 to the report be noted.

The meeting ended at 12.15 p.m.