

PLANNING COMMITTEE

Minutes of the proceedings at a Virtual Meeting of the Planning Committee held on Thursday, 17 December 2020, at 10.00 a.m.

Present

Councillors

Pete McSweeney (Chairman)

Rupert Audland
Helen Chaffey
Brian Cooper
Michael Cornah

Philip Dixon
Judy Filmore
Gill Gardner
John Holmes

Malcolm Lamb
Susanne Long
David Webster

Apologies for absence were received from Councillors Vicky Hughes (Vice-Chairman), Janette Jenkinson and Dave Khan.

Officers

Chris Gordon	Legal, Governance and Democracy Specialist
Nick Howard	Team Leader Development Management
Ronan Kelly	Enforcement Officer
Mark Lynch	Interim Development Management Team Leader
Andrew Martin	Principal Planning Officer
Una Bell	Case Management Team Leader

Also present at the meeting were Shamus Giles, Cumbria County Council, Local Lead Flood Authority and Phil Crowther, Lambert Smith Hampton.

P/67 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.

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/68 DECLARATIONS OF INTEREST

The Legal, Governance and Democracy Specialist made a statement on behalf of Members of the Planning Committee. He advised that there had been a large number of representations received and lobbying in respect of agenda item nos 5 and 6. The Legal, Governance and Democracy Specialist reassured members of the public and the applicants that the members of the Planning Committee had come to the meeting with an

open mind and were governed by strong code of conduct and were not predetermined or biased.

RESOLVED – That no further declarations of interest were raised.

P/69 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

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

P/70 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/71 (Planning Application No. SL/2018/0898);

Minute No. P/72 (Planning Application No. SL/2018/0898);

Minute No. P/73 (Planning Application No. SL/2019/0343); and

Minute No. P/74 (Planning Application No. SL/2019/0758).

The Chairman advised that the participants would be dialled into the meeting to make their address at the appropriate time.

P/71 PLANNING APPLICATION NO. SL/2018/0897 - PHASE 1 - LAND SOUTH OF ALLITHWAITE ROAD, KENTS BANK, GRANGE OVER SANDS

Erection of 87 dwellings and associated infrastructure (Phase 1) (Lancet Homes)

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/2018/0897 which sought permission in relation to Phase 1 of a residential development which comprised of 87 dwellings. He displayed plans and photographs which outlined the proposal and summarised the application, full details of which were included within his report. The Planning Officer drew Members' attention to the principal issues which were: the principle of the development; the impact upon the character of the settlement and landscape; the impact upon the residential amenity of existing and future residents; ecology; surface water drainage; and highway safety.

The Planning Officer informed Members that the site formed part of an allocated site within the Council's Land Allocations Development Plan Document (LADPD) and the proposal would contribute to the five year housing supply. In addition the site had previously been identified as representing a sustainable location for housing, given its proximity to a range of key services, and stated that the proposal was acceptable in land use and sustainable development terms as the scheme had significant economic, environmental and social benefits. He drew Members' attention to paragraph 11 of the National Planning Policy Framework (NPPF) which outlined the presumption in favour of sustainable development.

The Planning Officer outlined the applicant's proposal for nine affordable units (10.3%) which would comprise of five for social rent and four for shared ownership. He highlighted that policy CS6.3 required, on all schemes of three or more dwellings in local service centres, not less than 35% of the total number of dwellings proposed to be affordable. However, the policy also stated that exceptionally, a lower requirement for affordable housing would be acceptable where there was clear evidence that it would make the development unviable. He explained that the applicant had submitted a viability assessment which demonstrated that the 35% level was not achievable. Furthermore the applicant had amended the layout of the dwellings and reduced the number of proposed dwellings from 92 to 87 in order to be Policy DM11 compliant.

The Planning Officer went on to address a number of areas of concern which had been highlighted in the neighbour responses received and advised Members that the proposal included the retention of a green gap, which would provide a degree of separation between Grange and Allithwaite. The site had been assessed by the Council's Landscape Officer and Natural England and it had been concluded that the green gap was sufficient and would provide significant bio-diversity gain. United Utilities and the Local Lead Flood Authority had raised no objection to the proposals and had provided final comments and observations in respect of Phase 1 and Phase 2 of the scheme, although it was noted that there was lack of detail regarding the proposals for Phase 3. The Planning Officer advised Members that Shamus Giles, representing Cumbria County Council, Local Lead Flood Authority, was present in the meeting to respond to any questions Members may have and he confirmed that details of the Phase 3 development were currently unknown. The Planning Officer informed Members that the proposal would see 24 dwellings per hectare and the dwellings were mainly two storey and had a good separation distance of 30 metres from neighbouring properties. There were good links to the train station at Kents Bank with the southern end of the site within easy walking distance.

The Planning Officer concluded his presentation by highlighting concerns raised by Councillor Robin Ashcroft, who was unable to attend the meeting, in particular that of foul water drainage and the adequacy of the green gap. In addition Grange Town Council had, following a meeting on Monday, 14 December 2020, reaffirmed their objections, particularly regarding the lack of affordable housing and the proposed travel plan.

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.

Valerie Kennedy (speaking on her own behalf and on behalf of 47 residents); Sonia Whittaker; Frank McCall (on behalf of Grange over Sands Civic Society); and Robin Le Mare 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.

Allen Gibb, Chief Executive of Holker Estates addressed the Planning Committee in support of the application.

The Planning Officer responded to concerns raised during public participation.

The Planning Officer, the Interim Development Management Team Leader and Shamus Giles 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, it was a high quality development of moderate density and had raised no objections from statutory consultees. However, concerns were raised by a number of Members regarding the reduction in the affordable housing provision.

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 authority be delegated to the Director of Customer and Commercial Services to grant planning permission subject to

- (1) Completion of a S106 agreement with regard to:
 - a) delivery of affordable housing,
 - b) the management of the open space,
 - c) the improvement of a footpath/bridleway in the form of a contribution of £65,000 for improving the routes surface condition to provide a crushed stone surface route to improve the amenity value and provide a sustainable transport link [walking and riding] to the promenade area for the new development.
 - d) and to fund the provision of a Traffic Regulation Order to the value of £6,500; and
- (2) The following conditions:

Condition (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.

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

Architecture:

17070_00_P1 Site Location Plan
 17070_01_P1 Proposed Site Layout
 17070_02_P1 Site Sections
 17070_03_P1 Boundary Treatments Layout
 17070_04_P1 Illustrative Street Scenes
 17070_05_P1 Character Areas Plan
 17070_06_P1 Existing Site Plan
 17070_D01_P1 Boundary Treatments Details
 HT_P1_DM11 DM11 Compliance Statement
 HT_P1_Amended Housing Type Package

Landscape:

Green Infrastructure & Landscape Concept Plan for Phase 1 ATH-01 Rev F
 Green Infrastructure & Landscape Concept Plan for Phase 1 ATH-02 Rev E
 Green Infrastructure & Landscape Concept Plan for Phase 1 ATH-03 Rev E
 Green Infrastructure & Landscape Concept Plan for Phase 1 ATH-04 Rev E
 Green Infrastructure & Landscape Concept Plan for Phase 1 ATH-05 Rev E
 Green Infrastructure & Landscape Concept Plan for Phase 1 ATH-06 Rev E
 Green Infrastructure & Landscape Concept Plan for Phase 1 ATH-07 Rev E
 Green Infrastructure & Landscape Concept Plan for Phase 1 ATH-08 Rev E

Engineering:

K32662/A1/04_E External Works Layout_1 of 3
 K32662/A1/05_E External Works Layout_2 of 3
 K32662/A1/06_E External Works Layout_3 of 3
 K32662/A1/07_A External Works Details_1 of 2
 K32662/A1/08_A External Works Details_2 of 2
 K32662/A1/25A Surface Water Drainage Longitudinal 1 of 4
 K32662/A1/26 Surface Water Drainage Longitudinal 2 of 4
 K32662/A1/27 Surface Water Drainage Longitudinal 3 of 4
 K32662/A1/28 Surface Water Drainage Longitudinal 4 of 4
 K32662/A1/100_D Proposed Levels and Retaining Walls_1 of 3
 K32662/A1/101_D Proposed Levels and Retaining Walls_2 of 3
 K32662/A1/102_E Proposed Levels and Retaining Walls_3 of 3
 K32662/A1/104 Highway Longitudinal Sections_1 of 3
 K32662/A1/105 Highway Longitudinal Sections_2 of 3
 K32662/A1/106 Highway Longitudinal Sections_3 of 3
 K32662/A1/110 S278 Works layout
 K32662/A1/119A Section Infiltration Basin
 K32662/A1/120_E Proposed Drainage Layout Phase 1
 K32662/A1/122_B Proposed Soakaway Construction Details
 K32662/A1/124 Typical Soakaway Construction Details
 K32662/A1/125 Catchment Plan

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

Condition (3) The landscaping scheme shall be implemented fully in accordance with the following plans:

Green Infrastructure & Landscape Concept Plan for Phase 1 ATH-01 Rev F
 Green Infrastructure & Landscape Concept Plan for Phase 1 ATH-02 Rev E
 Green Infrastructure & Landscape Concept Plan for Phase 1 ATH-03 Rev E
 Green Infrastructure & Landscape Concept Plan for Phase 1 ATH-04 Rev E
 Green Infrastructure & Landscape Concept Plan for Phase 1 ATH-05 Rev E
 Green Infrastructure & Landscape Concept Plan for Phase 1 ATH-06 Rev E
 Green Infrastructure & Landscape Concept Plan for Phase 1 ATH-07 Rev E
 Green Infrastructure & Landscape Concept Plan for Phase 1 ATH-08 Rev E

a) Prior to the commencement of development a phasing and delivery plan setting out the relative phases of development, together with a timetable for the implementation of the approved landscaping scheme shall be submitted to and approved by the Local Planning Authority. The phasing and delivery plan and timetable for the landscaping scheme shall be fully implemented in accordance with the approved details.

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) All trees to be planted in this development are to be planted in accordance with the recommendations contained within BS8545 Trees: from nursery to independence in the landscape – Recommendations.

e) 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 the successful establishment of the trees in the landscape as part of the green infrastructure elements of the development.

Condition (4) No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason: To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality.

Condition (5) Before the commencement of the superstructures samples panels of the materials to be used for the external surfaces of the dwellings hereby approved shall be erected at the application site and no external walling shall be erected until written approval for the materials has been given by the Local Planning Authority. The approved details shall be fully implemented.

Reason: In the interests of visual amenity.

Condition (6) 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 and bat 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 (7) No construction work for this development should take place on the site, except between the hours 08.00 - 18.00 Monday to Friday and 09.00 – 13.00 on Saturdays. In particular, no work should be carried out on Sundays or officially recognised public holidays without the prior agreement in writing of the Local Planning Authority.

Reason: To safeguard future residents and protect amenity of nearby residents from noise disturbance.

Condition (8) 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 Policy DM11 Compliance Statement submitted to the Local Planning Authority on 13th February 2020.

Condition (9) No development shall commence until a foul and surface water drainage scheme based upon sustainable development principles has been submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme shall be in accordance with the principles within the submitted flood risk assessment and drainage strategy report K32662/02/FRA/RH ISSUE C dated 8th OCTOBER 2018 and shall be designed to meet the requirements of the non-statutory technical standards for sustainable drainage systems (March 2015) or any subsequent replacement national standards.

The foul and surface water drainage scheme shall include the following:

- (i) the proposed foul connection points to the existing public sewerage infrastructure;
- (ii) no surface water, highway drainage or land drainage shall discharge to the public sewerage system either directly or indirectly;
- (iii) a timetable for its implementation;
- (iv) a strategy for any temporary arrangements for foul and surface water drainage during construction of the development;
- (v) ground and finished floor levels in AOD; and
- (vi) identify any parts of the site where foul pumping is necessary. Thereafter the scheme shall minimise the number of pumping stations throughout the site.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Condition (10) The foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

Condition (11) All private paths, private driveways and other private hardstanding areas shall be constructed of permeable surfaces. The details for these permeable surfaces shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of development. The development shall be constructed in accordance with the approved details and the permeable surfaces shall be retained thereafter for the lifetime of the development.

Reason: To promote sustainable development and to reduce the risk of flooding and pollution.

Condition (12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or an Order revoking or re-enacting that Order, with or without modification), no hard surfaces shall be constructed within the curtilages of the dwelling houses at any time, other than those expressly authorised by this permission.

Reason: To secure proper drainage, promote sustainable development and to reduce the risk of flooding and pollution.

Condition (13) Prior to the commencement of development details for the adoptable carriageway, footways, footpaths, cycleways, lighting etc shall be submitted to the Local Planning Authority for approval. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is first occupied and shall be retained thereafter.

Reason: In the interests of highway safety.

Condition (14) Unless otherwise agreed in writing by the Local Planning Authority, the development shall not commence until the access off Allithwaite Road has been constructed in accordance with the approved drawings providing visibility splays of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the major road. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before development of the site commences so that construction traffic is safeguarded and the visibility splays shall be retained thereafter.

Reason: In the interests of highway safety.

Condition (15) Prior to the commencement of development a Construction Phase Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- the sustainable use of soil during construction in accordance with the Defra Construction Code of Practice.

Condition (16) No development shall commence until a construction surface water management plan has been submitted and agreed in writing with the local planning authority. The approved construction surface water management plan shall be fully implemented.

Reason: To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

Condition (17) No development commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

This written scheme will include the following components:

An archaeological evaluation

An archaeological recording programme the scope of which will be dependent upon the results of the evaluation.

Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the Local Planning Authority a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report and submission of the results for publication in a suitable journal.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains.

P/72

PLANNING APPLICATION NO. SL/2018/0898 - PHASE 2 - LAND SOUTH OF ALLITHWAITE ROAD, KENTS BANK, GRANGE OVER SANDS

Mixed use development comprising extra care apartments and standalone dwellings (Use Class C3) (up to 90 units), and commercial space (Use Classes E (Shops, Restaurants and Cafes and Non-residential institutions) and Sui Generis (Hot food takeaways) (up to 495 sq metres gross floor space) – Phase 2 (Lancet Homes)

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 SL/2018/0898 which sought outline consent, with all matters reserved, in relation to Phase 2 of an overall scheme to develop land south of Allithwaite Road, Grange. He displayed plans and photographs which outlined the proposal. The Planning Officer explained that the application sought permission for up to 90 Extra Care Units (use class C3) which were currently indicated as partially stand-alone bungalows and partly extra-care apartments. The proposal also included a separate retail unit comprising up to 495m² commercial space for use classes E and Sui generis. The Planning Officer advised Members that the final layout would be determined at the reserved matters stage. He highlighted that the layout plan had a slight overlap with the Phase 1 plan, on the western part of the site, which was the location of the proposed commercial units. However, the layout plan for Phase 2 was purely indicative and the precise layout would be determined in the reserved matters application.

The Planning Officer highlighted the issues regarding the proposed development. He informed Members that concerns had been raised about the provision of a care unit on the site, when Policy LA3.2 of the Land Allocations DPD had allocated the site for mixed housing and B1 and B2 employment development, and that the proposal would also introduce a range of uses that were not specified in Policy LA3.2. The Planning Officer informed Members that the applicant had provided an account of the marketing activities associated with the site and had confirmed that there had been no reasonable offers in relation to the employment use. The marketing had been carried out over a three year period and had only received one positive line of enquiry from a veterinary practice, which did not fall within B1 or B2 use class, as required by the proposed allocation.

The Planning Officer drew Members’ attention to paragraph 3.3.8 of the Council’s Development Brief of the site, which stated that it was considered that the development could be a suitable location for the provision of Extra Care Housing, which could be delivered in association with the site’s affordable housing contribution. However, the Planning Policy Team had raised concerns regarding the provision of a care unit on the site and paragraph 89 of the Planning Framework stated that when assessing applications

for retail and leisure development, which were not in accordance with the current plan, an impact assessment could be required. However, as the proposal was below the policy limit of 500m² an impact assessment was not required. The Planning Officer explained that he had concluded that the employment allocation of the site was based on a mature policy which did not accurately reflect the current market reality and the proposal was a viable market opportunity which would provide an alternative use for a recognised need and for employment.

The Planning Officer advised Members that the proposal included 35% affordable housing which complied with policy CS6.3 and this had been further outlined in Condition 5 of the recommendation.

The Planning Officer concluded his presentation by responding to a number of objections which had been raised, which he had detailed in his report. These included concerns regarding public transport links; commercial use; flood risk; and landscape impact.

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.

Valerie Kennedy (speaking on her own behalf and on behalf of 47 residents); Frank McCall (on behalf of Grange over Sands Civic Society); and Robin Le Mare 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.

Allen Gibb, Chief Executive of Holker Estates and Tom Whitehead, the applicant's agent, addressed the Planning Committee in support of the application.

The Planning Officer responded to concerns raised during public participation.

The Planning Officer responded to questions raised by Members.

Members gave consideration to the application and acknowledged that it was for outline consent, with all matters reserved and also the difficulties associated with the take up of the site for industrial use. In addition Members agreed that the proposal met the need for Extra Care housing and affordable housing.

A motion to approve the application was proposed and seconded and a vote was taken on the application, 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 granted subject to the following conditions:

Condition (1) Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Plans and particulars of the reserved matters referred to above, relating to the siting, design and external appearance of any building to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

17.12.2020

Planning Committee

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Condition (2) a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

b) The development hereby permitted shall be begun before the expiration of two years from the date of this permission, or before the expiration of three years from the date of approval of the last of the reserved matters to be approved, whichever is the later

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended)

Condition (3) The development hereby permitted shall be carried out in accordance with the following approved plans:

4824_SK001_E Existing Site Plan

4824_SK002_M Indicative Site Plan

4824_SK010_B Location Plan

Design and Access Statement Rev B

10-877-r1 Phase 1 Geo-Environmental Assessment

K32662-04_A Preliminary Ground Investigation Report

Flood risk assessment and drainage strategy report K32662/05/FRA/RH ISSUE A 3RD OCTOBER 2018

K32662-06 Operation & Maintenance Plan for Sustainable Drainage Systems

K32662/A1/21_A Indicative Drainage Layout Phase 2

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

Condition (3) At the submission of an application for the reserved matters for the extra-care facility, a statement setting out the on-site amenities and services intended to be provided by the extra-care operator shall be submitted to and approved by the Local Planning Authority. The development shall be fully implemented in accordance with the approved details. In the event that a separate standalone commercial unit to be run by another operator is proposed, then the statement should also indicate an expected timeframe for the construction and operation of that commercial facility."

Reason: In order that, should the extra-care facility be delivered first, prospective users of the extra-care facility will understand what facilities will be on offer on the site before they commit to live at the development.

Condition (4) 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 Design and Access Statement.

Reason: To ensure the approved dwellings are fully accessible in accordance with Policy DM11 of the Councils Development Management Policies.

Condition (5) No development shall take place until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing should be provided in

accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 35% of residential units, unless otherwise agreed in writing with the LPA.
- ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. The arrangements for the transfer of affordable housing to an affordable housing provider or the arrangement of the management of the affordable housing if no RSL is involved;
- iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
- v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria should be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

Reason: In order to ensure affordable housing is provided as part of this scheme and in accordance with Policy CS6.3 of the Councils Core Strategy

Condition (6) 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 and bat 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 (7) As part of the submission of the first reserved matter a sustainable surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the principles within the submitted flood risk assessment and drainage strategy report K32662/05/FRA/RH ISSUE A 3RD OCTOBER 2018 and:

- (i) shall be designed to meet the requirements of the non-statutory technical standards for sustainable drainage systems (March 2015) or any subsequent replacement national standards;
- (ii) no surface water, highway drainage or land drainage shall discharge to the public sewerage system either directly or indirectly;
- (iii) shall include a timetable for its implementation; and
- (iv) shall include a strategy for any temporary arrangements during construction of the development.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Condition (8) As part of the submission of the first reserved matter a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The foul water drainage scheme shall include the following as a minimum:

- (i) Full details of any connections to the foul sewer network and any necessary infrastructure;
- (ii) Ground and finished floor levels in AOD;
- (iii) Identify any parts of the site where foul pumping is necessary. Thereafter the scheme shall minimise the number of pumping stations throughout the site;
- (iv) The timing arrangements, storage requirements and rate of discharge for any pumped foul discharge; and
- (v) A strategy for any temporary arrangements during construction of the development.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme and retained thereafter for the lifetime of the development.

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.

Condition (9) All foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

Condition (10) All private paths, private driveways and other private hardstanding areas shall be constructed of permeable surfaces. The details for these permeable surfaces shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of development. The development shall be constructed in accordance with the approved details and the permeable surfaces shall be retained thereafter for the lifetime of the development.

Reason: To promote sustainable development and to reduce the risk of flooding and pollution.

Condition (11) The carriageway, footways, footpaths, cycle ways etc. 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 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. Any works so approved shall be constructed before the development is complete.

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

Condition (12) The development shall not commence until the second (eastern) access off Allithwaite Road, as per drawing reference 4824_SK002 M, has been constructed providing visibility splays of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the major road. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed

before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interests of highway safety.

Condition (13) Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained thereafter in accordance with the schedule.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere.

Condition (14) No construction work for this development should take place on the site, except between the hours 08.00 - 18.00 Monday to Friday and 09.00 – 13.00 on Saturdays. In particular, no work should be carried out on Sundays or officially recognised public holidays without the prior agreement in writing of the Local Planning Authority.

Reason: To safeguard future residents and protect amenity of nearby residents from noise disturbance.

Condition (15) Prior to the commencement of development a Construction Phase Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- the sustainable use of soil during construction in accordance with the Defra Construction Code of Practice.
- the control of noise during construction,
- a scheme which specifies the provisions to be made for the control of noise emanating from any plant, machinery, odour control or ventilation equipment
- a scheme for the installation of equipment to control the emission of odours from the premises
- a scheme to demonstrate how refuse and recycling will be stored and managed within the site
- a scheme showing the proposed lighting plan for external building lights and car park lighting for the development

Reason: To safeguard future residents and protect amenity of nearby residents from noise disturbance.

Condition (16) No development commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

This written scheme will include the following components:

- 1) An archaeological evaluation
- 2) An archaeological recording programme the scope of which will be dependent upon the results of the evaluation.
- 3) Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the Local Planning Authority a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report and submission of the results for publication in a suitable journal.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains.

Note – The Committee voted to adjourn for a break at 12.15 p.m. and reconvened at 12.25 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.

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PLANNING APPLICATION NO. SL/2019/0343 - ALLOTMENT LAND NORTH OF HARE AND HOUNDS PUB, CHURCH ROAD, LEVENS

Erection of three dwellings (Mr Martin Curry (Clerk to Levens Parish Council))

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/2019/0343 which sought approval for: access; appearance; landscaping; layout; and scale, for three dwellings which were those matters reserved in the extant outline planning permission for the site, granted under planning application SL/2015/0260. He displayed plans and photographs which outlined the proposals and explained that the development of the site was one of a number of schemes considered as part of the wider Levens Community Project. It had been decided to bring the reserved matters application to the Planning Committee, for determination, because it raised some challenging issues, particularly in respect of the relationship with existing neighbours.

The Planning Officer drew Members’ attention to the topography of the land and the relationship of the properties to the existing properties known as Causeway End. He highlighted that all three properties would be prominent, when viewed from lower levels, and explained that the finished floor levels had been lowered since the application was

first submitted, in order to limit the impact on adjoining properties. However, consequently, the driveway gradients would not be fully compliant with policy DM11 (Accessible and Adaptable Homes), although he explained that policy DM11 did recognise that full compliance may not always be practically achievable due to physical characteristics of a site.

The Planning Officer concluded his presentation by drawing Members' attention to an additional condition included within the Late Representations, which had been circulated prior to the meeting, and highlighted that it was inevitable, given the constrained size of the site and the dramatic change in levels, that the living conditions of those properties in the immediate vicinity would be impacted by the development.

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.

Martin Curry, Clerk to Levens Parish Council addressed the Planning Committee in support of the application.

Members thanked the Planning Officer for the well written report, photographs and illustrative plans and gave consideration to the application. Members agreed that the site was challenging and one Member raised concerns regarding the disposal of allotment land for housing.

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:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed Site Plan, P208 Revision A
 - Floor Plans Elevations, P209 Revision A
 - House 3 and Street Elevations, P210 Revision A

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

2. The external walls of the dwellings hereby approved shall be finished in a combination of natural stone and render, in the proportions indicated on the approved plans and in accordance with a further specification that shall first have been submitted to, and approved in writing by, the local planning authority. The required specification shall detail: (1) the coursing of the natural stone and the depth and colour of mortar joints; and (2) the colour and finish of the proposed render. The roofs of the dwellings hereby approved shall be finished in natural slate from a source that shall first have been agreed in writing by the local planning authority.

REASON: To ensure compliance with: (1) policy CS8.10 (Design) of the South Lakeland Core Strategy; and (2) policies DM1 (General Requirements for all development) and DM2 (Achieving Sustainable High Quality Design) of the South Lakeland Development Management Policies Development Plan Document.

3. The internal configuration of the dwellings hereby approved shall be constructed to meet the Building Regulations M4(2) standards for accessible and adaptable homes.

REASON: To comply with policy DM11 (Accessible and Adaptable Homes) of the South Lakeland Development Management Policies Development Plan Document.

4. No individual dwelling shall be first occupied until it has been provided with one or more swift bricks in accordance with a scheme that first have been submitted to, and approved in writing by, the local planning authority. The scheme shall include manufacturers' details of each bird and bat box together with a plan identifying their proposed locations. Thereafter, the approved swift bricks shall be retained for the lifetime of the development, replaced on a like-for-like basis as necessary.

REASON: To meet the requirements of: (1) policy DM4 (Green and Blue Infrastructure, Open Space, Trees and Landscaping) of the of the South Lakeland Development Management Policies Development Plan Document; (2) paragraph 170 of the National Planning Policy Framework.; and (3) section 40 of the Natural Environment and Rural Communities Act 2006

5. No individual dwelling hereby approved shall first be occupied until the parking and associated access to the highway shown on the approved plans have been constructed and made available for use. The first 5m of the access drive to each dwelling measured from carriageway edge of the adjacent highway shall be surfaced in bituminous or cement bound materials, or such other finish as shall first have been submitted to, and approved in writing by, the local planning authority. Thereafter, the approved parking and access arrangements shall be maintained for the lifetime of the dwelling concerned.

REASON: To ensure the timely and adequate provision of parking in accordance with policy CS10.2 (Transport impact of new development) of the South Lakeland Core Strategy and policy DM9 (Parking Provision, new and loss of car parks) of the South Lakeland Development Management Policies Development Plan Document.

6. Neither of the two new vehicular accesses onto Church Road shall be first brought into use until they have been provided with visibility splays giving clear visibility of 60 metres measured 2.4 metres down the centre line of the access drive and the nearside channel line of the carriageway edge. Notwithstanding the provisions of the Town and Country planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no structure, vehicle or object of any kind shall be erected, parked or placed, and no trees, bushes or other plants shall be planted or permitted to be planted, within the visibility splays in a manner which obstructs the limits of clear visibility defined above.

REASON: To maintain highway safety in accordance with policy CS10.2 (Transport impact of new development) of the South Lakeland Core Strategy.

7. No individual vehicular access shall be first brought into use until it has been provided with measures to prevent surface water discharging onto or off the highway in accordance with details that shall first have been submitted to, and approved in writing by, the local planning authority. Thereafter, the approved measures shall be maintained for the lifetime of the associated dwelling concerned.

REASON: To maintain highway safety in accordance with policy CS10.2 (Transport impact of new development) of the South Lakeland Core Strategy.

8. No individual dwelling shall be first occupied until the means of enclosure to its curtilage has been completed in accordance with a scheme that shall first have been submitted to, and approved in writing by, the local planning authority.

REASON: To ensure compliance with: (1) policy CS8.10 (Design) of the South Lakeland Core Strategy; and (2) policies DM1 (General Requirements for all development) and DM2 (Achieving Sustainable High Quality Design) of the South Lakeland Development Management Policies Development Plan Document.

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PLANNING APPLICATION NO. SL/2019/0758 - AGE CONCERN UK, LINDALE ROAD, GRANGE OVER SANDS

Demolition of existing buildings and erection of convenience store, petrol filling station including underground fuel storage tanks, works to the existing culvert and associated access, car parking and landscaping (James Hall & Company)

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/2019/0758 which sought permission for the demolition of existing buildings and the erection of a convenience store, a petrol station and canopy with six pumps, underground fuel tanks and 19 car parking spaces. He displayed plans and photographs which outlined the proposals and he drew Members’ attention to the partially culverted watercourse which ran along the northern and eastern boundary of the site and to the structures which were to be demolished and which included the existing Age Concern building. The Planning Officer informed Members that the site was within the Development Boundary for the town and was also within the Town Centre Boundary as identified in the Land Allocations Development Plan Document (LADPD). He went on to outline the planning history which included an application for the erection of a large convenience store on the junction.

The Planning Officer further outlined the proposals and displayed the detailed site layout for the convenience store; the petrol station and car park; the dedicated vehicular entrance and exit; and the delivery area. He displayed further slides which outlined the elevation of the proposals and informed Members that there would be a number of solar panels installed on the flat roof and the petrol station canopy would be finished with natural slate. The Planning Officer stated that the canopy would be prominent and incongruous. However, the applicant’s Heritage Assessment had concluded an overall neutral impact on the significance of heritage assets, due to the mix of buildings of different quality in the area.

The Planning Officer stated that the flood risk was the most significant issue for consideration and informed Members that the site was located within Flood Zone 3, which was the highest risk for sea or river flooding. He displayed two photographs, which had been provided by neighbours, and which showed evidence of a significant flooding event in 2015. The Planning Officer went on to state that the proposed development would not make the risk of flooding any worse and went on to provide further details of the watercourse and the existing subterranean floodwater storage tank under the parking area at the northern end of the site, into which surface water from the car park above also currently drained. He explained that the proposal included a modification to the existing subterranean floodwater storage tank, which would provide it with a capacity of 372cu.m, and the addition of an attenuation tank under the retail unit which would provide capacity for surface water, which would then drain through a hydrobrake to the adjoining watercourse. Furthermore the installation by the applicant, on the recommendation of the Local Lead Flood Authority, of a replacement culvert, with a wider diameter, along the eastern boundary of the site, would contribute to and improve the wider drainage problems in the area.

The Planning Officer went on to display further photographs which demonstrated the established character of the area, and in particular the relationship with existing properties in Riggs Close to the east. He explained that the applicants had employed Noise Consultants to carry out a Noise Impact Assessment and the installation of a 2m high acoustic barrier was proposed as part of the application. He informed Members that the application had a detailed external lighting scheme which showed very little light spillage. In regard to access, the Planning Officer explained that the Highway Authority had acknowledged that, due to the compact nature of the forecourt, there could be times when there could be traffic congestion but it was considered that this scenario was likely to occur relatively infrequently and the Highway Authority did not consider this to be a serious traffic concern.

The Planning Officer concluded his presentation by drawing Members' attention to the recommendation which included a planning obligation to secure a £20,000 contribution towards the construction of a new footbridge which would connect the application site to the adjoining South Lakeland District Council (SLDC) car park on Windermere Road.

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

Andrew Baxter, on behalf of Windermere Road Flood Action Group, addressed the Planning Committee and highlighted a number of concerns in relation to the flood risk assessment of the proposed application.

Deborah Smith, the Applicant's Agent, addressed the Planning Committee in support of the application.

The Planning Officer and Shamus Giles, representing Cumbria County Council, Local Lead Flood Authority, responded to concerns raised during public participation.

The Planning Officer and Shamus Giles responded to questions raised by Members.

Members gave consideration to the application and acknowledged the need for a petrol station in the location. The installation of the Electric Vehicle charging points was welcomed and it was considered that as petrol needs declined there would be a need for the installation of more Electric Vehicle charging points.

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:

- a) adoption of the Shadow Habitat Regulations Assessment, ERAP (Consultant Ecologists) Ltd., Report Ref. 2020-133, August 2020;
- b) (i) a planning obligation to secure a £20K contribution towards the construction of a new footbridge connection to the adjoining SLDC car park and (ii) a planning obligation and/or Grampian conditions to secure the necessary rights of access across the application site to allow the bridge to be constructed; and a right of access in perpetuity across the application site connecting the footbridge to Windermere Road; and
- c) the following conditions:

17.12.2020

Planning Committee

1. The development hereby permitted shall be commenced before the expiration of THREE YEARS from the date hereof.

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.

Approved plans

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

Plan Title	Date Received
Location Plan, Ex01 Revision A	12 September 2019
Site Plan – Existing, Ex02, Revision A	12 September 2019
Existing Site Layout, TRI-2739-01	12 September 2019
Existing Site Rear Car Park Construction Layout & Sections, 219/023/001, Revision P2	06 April 2020
Site Demolition & Temporary Works For Ground Improvement Works, 219/023/002, Revision P2	06 April 2020
Proposed New Below Ground Water Storage Volumes, 219/023/003, Revision P5	06 April 2020
Formation Base Slab & Foundations, 219/023/004, Revision P3	06 April 2020
Cast In-Situ Wall Setting Out Layout, 219/023/005, Revision P2	06 April 2020
Ground Floor Plan Showing Intermediate Slab Structure Above, 219/023/006, Revision P4	06 April 2020
Retail Space Ground Floor Slab Layout, 219/023/007, Revision P3	06 April 2020
Sub-Structure Details (Sheet 1), 219/023/008, Revision P1	06 April 2020
Sub-Structure Details (Sheet 2), 219/023/009, Revision P2 (Contained within Flood Risk Assessment, EPG, Report Ref. EPG-9120-FRA-01, V1.8, 24.11.20)	
Sub-Structure Details (Sheet 3), 219/023/010, Revision P2	06 April 2020
Existing Foul & Surface Water Drainage Layout, 219/023/101, Revision P4	06 April 2020
Outline Surface Water Drainage Layout, 219/023/102, Revision P6	06 April 2020

17.12.2020

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Fuel Tank Installation Layout & Details, 219/023/106, Revision P2	06 April 2020
Fuel Forecourt Separator Layout & Details, 219/023/107, Revision P2	06 April 2020
Ex. Site Layout Indicating Ground Water Levels Based on Historic Information, 219/023/108, Revision P2	06 April 2020
Exceedance Drawing For Storms Above The 1 In 100 Year + 40% C/C Event, 219/023/113, Revision P3	06 April 2020
Existing Culverted Watercourse Defects, 219/023/114, Revision P2	21 July 2020
Proposed Dim Plan, BR-001	06 April 2020
Proposed Elevations, BR-002, Revision B	20 November 2020
Proposed Fitout Plan, BR-003	06 April 2020
Section A-A, BR-004	06 April 2020
Section B-B, BR-005	06 April 2020
Section C-C & D-D, BR-006	06 April 2020
Mezzanine Floor Details, BR-007	06 April 2020
Proposed Roof Plan, BR-008, Revision A	06 April 2020
Proposed Site Plan, BR-100, Revision L	10 November 2020
Tracking Plan, BR-101, Revision G	10 November 2020
Proposed Levels, BE-102, Revision B	12 September 2019
Proposed Canopy Elevations, BR-103, Revision B	06 April 2020
Underground Services Plan, BR-104, Revision B	06 April 2020
Hazard Zone Plan, BR-105, Revision B	06 April 2020
Setting Out Plan, BR-106, Revision B	06 April 2020
External Works Details, BR-107, Revision A	06 April 2020
Proposed Boundary treatment, BR-108	06 April 2020
Site Section, BR-109, Revision B	20 November 2020
External Lighting Lux Plot, P1	01 October 2019
REASON:	For the avoidance of doubt and in the interests of proper planning.

Materials

3. The finish of external walls and roofs of the buildings/structures hereby approved shall be completed in accordance with: (1) the details shown on the Proposed Elevations drawing BR-002 Revision B and Proposed Canopy Elevations drawing BR-103 Revision B; and (2) specifications for the use of natural stone and natural slate that shall first have been submitted to, and approved in writing by, the local planning authority. The specification for the natural stone shall include the source of the material and details of coursing and the depth and colour of mortar joints. The specification for the natural slate shall include the source of the material (it must be a local pale green/grey Westmorland roofing slate) and details confirming that the slate will be laid traditionally in diminishing courses.

REASON: To ensure compliance with: (1) policies CS8.6 (Historic Environment) and CS8.10 (Design) of the South Lakeland Core Strategy; and (2) policies DM1 (General Requirements for all development), DM2 (Achieving Sustainable High Quality Design) and DM3 (Historic Environment) of the South Lakeland Development Management Policies Development Plan Document.

4. No work on the glazed canopies to the south elevation of the approved convenience store shall commence until working drawings, including full details of the "cast posts, Grange-over-Sands traditional style" have been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be completed in accordance with the approved working drawings.

REASON: To ensure compliance with: (1) policies CS8.6 (Historic Environment) and CS8.10 (Design) of the South Lakeland Core Strategy; and (2) policies DM1 (General Requirements for all development), DM2 (Achieving Sustainable High Quality Design) and DM3 (Historic Environment) of the South Lakeland Development Management Policies Development Plan Document.

5. The convenience store hereby approved shall not be first opened for trade until the external bin store and plant area shown on Proposed Site Plan, BR-100, Revision L have been completed, made available for use and screened in accordance with the fencing details shown on drawings BR-002 Revision B (Proposed Elevations) and BR-107 Revision A (External Works Details).

REASON: To ensure compliance with: (1) policies CS8.6 (Historic Environment) and CS8.10 (Design) of the South Lakeland Core Strategy; and (2) policies DM1 (General Requirements for all development), DM2 (Achieving Sustainable High Quality Design) and DM3 (Historic Environment) of the South Lakeland Development Management Policies Development Plan Document.

Parking and access

6. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;

- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- any proposed temporary access points (vehicular / pedestrian) if applicable.

Thereafter, construction shall proceed in accordance with the CTMP.

REASON: In the interests of ensuring highway safety and to safeguard the amenity of the existing area in accordance with: (1) policy CS10.2 (Transport impact of new development) of the South Lakeland Core Strategy; and (2) policy DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

7. The convenience store hereby approved shall not be first opened for trade until the pedestrian and vehicular entrance and exit points shown on Proposed Site Plan, BR-100, Revision L have been constructed and made available for use in accordance with a scheme that shall first have been submitted to, and approved in writing by, the local planning authority. Any structures within the visibility splays shown on Proposed Site Plan, BR-100, Revision L, either existing or proposed as part of the development or proposed at any time during the lifetime of the development, shall be maintained at a height not exceeding 1.05m above the carriageway level of the adjacent highway.

REASON: To maintain highway safety in accordance with policy CS10.2 (Transport impact of new development) of the South Lakeland Core Strategy.

8. The convenience store hereby approved shall not be first opened for trade until the off-site footway improvements shown on Proposed Site Plan, BR-100, Revision L have been constructed and made available for use in accordance with a scheme that shall first have been submitted to, and approved in writing by, the local planning authority.

REASON: To maintain highway safety in accordance with policy CS10.2 (Transport impact of new development) of the South Lakeland Core Strategy.

9. The convenience store hereby approved shall not be first opened for trade until the car and cycle parking provision shown on Proposed Site Plan, BR-100, Revision L, including the provision of two electric charging points, have been constructed and made available for use. Thereafter, the car and cycle parking shall be maintained for the lifetime of the development.

REASON: To ensure the timely and adequate provision of parking in accordance with policy CS10.2 (Transport impact of new development) of the South Lakeland Core Strategy and policy DM9 (Parking Provision, new and loss of car parks) of the South Lakeland Development Management Policies Development Plan Document.

10. The convenience store hereby approved shall not be first opened for trade until the internal footways shown to be finished with Marshall Conservation X Block paving on Proposed Site Plan, BR-100, Revision L have been completed and made available for use.

REASON: To maintain highway safety in accordance with policy CS10.2 (Transport impact of new development) of the South Lakeland Core Strategy.

Surface water

11. No development shall commence until full details of a surface water drainage scheme have been submitted to, and approved in writing by, the local planning

authority. The scheme shall be based upon the principles established in: (1) the Flood Risk Assessment prepared by EPG (Report Ref. EPG-9120-FRA-01, V1.8, dated 24.11.20); (2) the Culvert Replacement Design Report prepared by R G Parkins & Partners Ltd. (Report Ref. K37263/01/DDR Revision A, dated 22.09.20); and (3) the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015), or any subsequent replacement national standards. The scheme must also include a maintenance schedule identifying the responsible parties. The convenience store hereby approved shall not be first opened for trade until the approved surface water drainage scheme has been fully implemented. Thereafter, the surface water drainage scheme shall be maintained in accordance with the approved maintenance schedule for the lifetime of the development.

REASON: To reduce the risk of flooding and to promote the use of a sustainable surface water drainage scheme in accordance with policy CS8.8 (Development and Flood Risk) of the South Lakeland Core Strategy and policy DM6 (Flood Risk Management and Sustainable Drainage Systems) of the South Lakeland Development Management Policies Development Plan Document.

Biodiversity

12. The convenience store hereby approved shall not be first opened for trade until bird and bat boxes have been installed in accordance with a scheme that shall first have been submitted to, and approved in writing by, the local planning authority. The scheme shall include manufacturers' details of each bird and bat box together with a plan identifying their proposed locations and evidence that those locations have been selected by a qualified ecologist. Thereafter, the approved bird and bat boxes shall be retained for the lifetime of the development, replaced on a like-for-like basis as necessary.

REASON: To meet the requirements of: (1) policy DM4 (Green and Blue Infrastructure, Open Space, Trees and Landscaping) of the of the South Lakeland Development Management Policies Development Plan Document; (2) paragraph 170 of the National Planning Policy Framework.; and (3) section 40 of the Natural Environment and Rural Communities Act 2006.

13. No development shall commence until a soft landscaping scheme has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of: (i) planting plans; (ii) existing vegetation to be retained; (iii) written specifications and schedules of proposed plants noting species, planting sizes and proposed numbers/densities; (iv) an implementation timetable; and (v) a schedule of landscape maintenance proposals for a period of not less than five years from the date of completion of the scheme. Thereafter, the approved landscaping scheme shall be implemented and maintained in accordance with the agreed details and timetables.

REASON: To safeguard and enhance the character of the area in accordance with policy LA1.3 of the South Lakeland Land Allocations Development Plan Document and policy DM4 (Green and Blue Infrastructure, Open Space, Trees and Landscaping) of the South Lakeland Development Management Policies Development Plan Document.

Trees

14. No development shall commence until the tree protection measures specified in the Arboricultural Method Statement (AMS) contained within the Arboricultural Survey Report prepared by Smeeden Foreman (Report Ref: 2968, dated August 2019) have been fully installed. Thereafter, the tree protection measures shall be retained for the

duration of all construction work and that work shall proceed in accordance with the other requirements of the AMS.

REASON: To protect existing trees in accordance with policy DM4 (Green and Blue Infrastructure, Open Space, Trees and Landscaping) of the South Lakeland Development Management Policies Development Plan Document.

Construction management

15. Development shall proceed in accordance with the submitted Construction and Demolition Method Statement (CEMP) dated 24 September 2019, or such other modified version of this document as shall first have been submitted to, and approved in writing by, the local planning authority.

REASON: In the interests of ensuring highway safety and to safeguard the amenity and ecological interest of the existing area in accordance with: (1) policies CS8.4 (Biodiversity and geodiversity) and CS10.2 (Transport impact of new development) of the South Lakeland Core Strategy; and (2) policies DM4 (Green and Blue Infrastructure and Open Space) and DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

Living conditions

16. The convenience store shall not be open for trading outside the hours of 0600 – 2300 on any day. The petrol filling station is not subject to this restriction.

REASON: In the interests of safeguarding the amenity of the area in accordance with policy DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

17. All external lights other than those marked “B” on the External Lighting Lux Plot drawing submitted with this application shall be turned off outside the hours of 0530 – 2330 on any day. No external lights other than those shown on Lighting Lux Plot drawing shall be installed within the application site without the prior written approval of the local planning authority.

REASON: In the interests of safeguarding the amenity of the area in accordance with policies DM2 (Achieving Sustainable High Quality Design) and DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

18. Deliveries of goods and fuel shall not shall take place outside the hours of 0700 to 2100 on any day.

REASON: In the interests of safeguarding the amenity of the area in accordance with policy DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

19. The convenience store hereby approved shall not be first opened for trade until a 2m high, imperforate acoustic barrier (with a minimum surface mass of 10kg/m²) has been erected in the position shown in Figure 10 of the Noise Impact Assessment (Report Ref. J002622/3967/RDC/6P) undertaken by PDA Acoustics, dated 23 September 2020 and in accordance with a specification that shall first have been submitted to, and approved in writing by, the local planning authority. Thereafter, the acoustic barrier shall be maintained for the lifetime of the development.

REASON: In the interests of safeguarding the amenity of the area in accordance with policy DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

20. All external plant and mechanical equipment (air conditioning units, chillers etc.) shall be installed in accordance with a specification that shall first have been submitted to, and approved in writing by, the local planning authority. The specification must demonstrate that the installed plant and mechanical equipment will operate within the noise limits assumed within the Noise Impact Assessment (Report Ref. J002622/3967/RDC/6P) undertaken by PDA Acoustics, dated 23 September 2020. Thereafter, all external plant and mechanical equipment shall be maintained, or replaced as necessary, in accordance with the agreed specification.

REASON: In the interests of safeguarding the amenity of the area in accordance with policy DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

Land contamination

21. The development hereby approved shall proceed in accordance with the recommendations of: (1) the Remediation Statement Report prepared by Geo2, (Report ref no. 20/0916.2.2, dated March 2020); (2) the Ground Gas Monitoring Assessment prepared by Geo2, (Report ref no. 20/0916.3.2, March 2020); and (3) the Phase 1 and 2 Environmental Assessment prepared by Geo2, (Report ref no. 19/0916.1.1, August 2019). Any unsuspected contamination found as a consequence of the Watching Brief recommended by the Remediation Statement Report shall be reported to the local planning authority within 5 working days, along with details of any further mitigation as necessary.

REASON: In the interests of safeguarding the amenity of the area in accordance with policy DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

22. Demolition of the buildings on the site shall proceed in accordance with the recommendations a demolition asbestos survey that shall first have been submitted to, and approved in writing by, the local planning authority.

REASON: In the interests of safeguarding the amenity of the area in accordance with policy DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

23. The convenience store hereby approved shall not be first opened for trade until a Verification report produced in accordance with Table 4 of the Remediation Statement Report prepared by Geo2, (Report ref no. 20/0916.2.2, dated March 2020) has been submitted to, and approved in writing by, the local planning authority.

REASON: In the interests of safeguarding the amenity of the area in accordance with policy DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

P/75**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 July 2020 to 31 September 2020.

The Enforcement Officer responded to questions raised by Members and undertook to provide a response outside of the meeting regarding Reference No 19102 Haverflatts Lane, Milnthorpe. Members thanked the Enforcement Officer for his continued hard work in difficult circumstances.

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

The meeting ended at 1.57 p.m.