

LATE REPRESENTATIONS

Committee Date: 25th February 2021

App No:
SL/2019/1032

**Holme House Farm, Skelsmergh, KENDAL, LA8
9AQ**

REPRESENTATIONS

The applicants

The applicants have provided a two-page “update of progress on site”. This has been published online and has also been appended in full to this document. Some photographs will also be displayed as part of the Committee presentation.

Officer comments

Members are asked to note the contents of the update.

The Council Tax Team has been notified about the occupancy status.

Third parties

At the time of completing this update we had received 31 late representations, unanimously supporting the application. These are all available to view online. Comments include:

- The site is an eyesore and in dire need of redevelopment.
- Impressed by the applicants’ vision for a sustainable, self-sufficient lifestyle. Their commitment to building eco homes, sharing resources, sharing skills, growing their own food, sustainable energy production, homeworking, multigenerational living, accepting maximum of two car per household, improving biodiversity and coexisting with wildlife will result in a low carbon footprint - countering the climate emergency.
- The project could be a model for similar developments.
- Good to see families moving in; this will help ensure the sustainability of local primary school and nurseries.
- The planning delay is bemusing.

Officer comments

The application is being recommended for approval.

The applicants have actively engaged with the local community and there is clearly considerable support for their vision. And, as has been said, it could be a model for those planning a similar lifestyle. However, when Members are weighing the planning balance in this case it is important to remember the maxim that planning permission goes with the land, and not with the applicant. Therefore, whilst in no way doubting the applicants’ commitment to the vision they have presented, it must be seen as a lifestyle choice that would not, and (for the most part) could not, be bound into the

planning permission beyond the commitments established by the recommended conditions. Those conditions ensure that the development is policy-compliant, which in turn means that the proposal enjoys the presumption in favour of sustainable development conferred by the National Planning Policy Framework. But the conditions are necessarily limited in scope, which means that were the site to be sold on, or were the applicants' circumstances to change, there is no guarantee that the fine detail of the vision presented in this application would be maintained.

Having said that, there is nothing within the recommended permission that compromises the applicants' vision. In fact, the assessment of the baseline situation – the material consideration that officers consider outweighs the policy objection that would otherwise apply to new housing in this location – has been applied very pragmatically. And many of the recommended conditions, necessary to ensure policy compliance (thereby creating a sustainable development) dovetail neatly with the applicants' aspirations.

The local highway authority

In re-consulting on this application at the end of January, officers asked the local highway authority to consider again its earlier recommendation for: (1) hard surfacing the first 10 metres of the access drive; and (2) the construction and maintenance of visibility splays. This was on the basis that the hard surfacing seemed unnecessary, and would be an incongruous visual intrusion, and that no visibility splays were proposed to be constructed, nor could one be constructed to the west because the applicants do not control the land.

In response, the local highway authority has reiterated the need for its earlier recommended conditions, the unadulterated wording of which is as follows:

1. The access drive shall be surfaced in bituminous or cement-bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 10 metres inside the site, as measured from the carriageway edge of the adjacent highway.
2. 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.

We are not bound to follow the local highway authority's recommendation, and in this case there are good reasons why we might not.

A plan showing the extent of the highway "maintainable at public expense" (which will be shown as part of the Committee presentation) indicates that a section of the access to this site is already adopted, which means the local highway authority already has the ability to maintain it to an appropriate standard. An additional 10 metres of hard surfacing would be unsightly and seems unnecessary.

As stated above, no new visibility splays are proposed, although the applicants do appear to control an existing splay to the east of the junction.

If Members are minded to impose conditions in response to the local highway authority's apparent concerns, then it is recommended that they are reworded to be appropriate to the circumstances of the site:

1. None of the dwellings or shared-use buildings hereby approved shall be first occupied until the first 10 metres of the access drive measured from the carriageway edge of the adjacent highway has been surfaced in bituminous or cement-bound materials.

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

2. 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 be grown within the visibility splay to the east of the site entrance with Garth Row Lane.

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