

## PLANNING COMMITTEE

Minutes of the proceedings at a virtual meeting of the Planning Committee held on Thursday, 25 March 2021, at 10.00 a.m.

Present

Councillors

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

Rupert Audland  
Helen Chaffey  
Brian Cooper  
Michael Cornah

Judy Filmore  
Gill Gardner  
John Holmes  
Janette Jenkinson

Malcolm Lamb  
Susanne Long  
David Webster

Apologies for absence were received from Councillors Dave Khan.

Officers

Cat Brumwell	Case Management Officer
Tom Dugdale	Case Management Officer
Chris Gordon	Legal, Governance and Democracy Specialist
Mark Lynch	Principal Specialist
Andrew Martin	Principal Planning Officer
Simon McVey	Operational Lead Support Services
Nic Unwin	Specialist - Development Management

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### **CHAIRMAN'S ANNOUNCEMENT**

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

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

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### **MINUTES**

RESOLVED – That the Chairman be authorised to sign, as a correct record, the updated minutes of the meeting of the Committee held on 25 February 2021.

**P/97 DECLARATIONS OF INTEREST**

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

(1) Councillor Gardner declared an interest in agenda item 10 Planning Application no. SL/2020/0337 Fairfield Lodge, Priest Lane, Cartmel; and

(2) Councillor Dixon declared an interest in agenda item 11 Planning application no. SL/2020/0103 Grange Promenade, Grange-over-Sands, LA11 7DH.

Members of the Planning Committee having reserved their positions for the determination of the Planning application at the Council meeting were advised they could take part and determine the application. With the exception of Councillor Dixon all took part in the item.

**P/98 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS**

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

**P/99 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/16 Planning Application No. SL/2019/0841 – The Courthouse, Burneside Road, Kendal, LA9 4NF

Minute No. P/17 Planning Application No. SL/2020/0337 – Fairfield Lodge, Priest Lane, Cartmel

**P/100 VERBAL UPDATE ON SECTION 106 AGREEMENTS**

RESOLVED - The Legal, Governance and Democracy Specialist (Monitoring Officer) stated that in the two years that she had held the role, 24 of a total of 35 Section 106 Agreements had been completed. She further explained that there were 14 currently undergoing the process, of which 3 probably will have been completed by the 30 March 2021. Immense progress had been made. She stated that the aim was to ensure completion as soon as possible so developers were able to implement the agreements made by Councillors.

**P/101 PLANNING APPLICATION NO. SL/2020/0830 - THE PASTURES TEMPLAND LANE ALLITHWAITE, GRANGE-OVER-SANDS**

RESOLVED – Planning Application No. SL2020/0830 – The Pastures Templand Lane Allithwaite, Grange-over-Sands was withdrawn prior to the hearing.

**P/102 PLANNING APPLICATION NO. SL/2021/0052 - THE PASTURES TEMPLAND LANE ALLITHWAITE, GRANGE-OVER-SANDS**

The Principal Specialist presented Planning Application No. SL/2021/0052 which sought approval for the siting of two holiday lodges on the southern part of The Pastures, where previous planning permission had already been granted for three lodges, two of which had been implemented. The proposal sought to erect two lodges in lieu of the one. Referring to the site plans and photographs, he illustrated the features of the site, pointing out that the proposed lodges would reflect the existing ones stylistically and assure a degree of

homogeneity. The Officers recommended approval of the application subject to the conditions attached, with the added recommendation that approval also be subject to a change of condition 6.

Members thanked the Principal Specialist for presenting the report and gave consideration to the application. Members specifically raised questions as to why work had begun on the site prior to the approval of the planning permission. The Principal Specialist agreed that this was frustrating, but stated that unfortunately it was not an offence and hence could not cloud judgment when making a decision on the approval of the application.

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

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

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

Reason: 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: Site Location Plan - Drawing No. Plan 01 received 27th January 2021, Proposed site plan Drawing No Plan 03 received 27th January 2021, Extra boundary hedge planting at Meadows End specification dated 12th January 2021, Plan and elevations 2008069-0 received 22nd January 2021, Metrotile slate-charcoal grey roof specification received 22nd January 2021, Facing material boarding wall specification received 22<sup>nd</sup> January 2021 and Bird Box design received 22nd January 2021.

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

Condition (3) The lodges 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 DM18 of the Councils Development Management Policies.

Condition (4) The owner/operator of the site known as 'The Pastures' as outlined on the Site Location Plan shall maintain an up-to-date register of the names of all of the individual caravan owners and occupiers and their main home addresses, and shall make the following information available to the Local Planning Authority upon request: - copies of the register; - a copy of the licence between the site owner / operator; and - the lodge owner / occupier for each pitch.

Reason: To safeguard the local tourist economy in accordance with Policy DM18 of the Councils Development Management Policies.

Condition (5). Within the next planting season, unless agreed otherwise in writing by the

Local Planning Authority the approved landscaping scheme shall be fully implemented. Any trees/shrubs, which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason: These details are required to safeguard and enhance the character of the area and secure high quality landscaping in accordance with saved Policy DM1 of the Councils Development Management Policies.

Condition (6) a) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been submitted to and approved in writing by the Local Planning Authority. b) The tree protection measures shall be carried out as described and approved, and shall be maintained until the development is completed.

Reason: These details are required to be approved before the commencement of development to ensure the protection and retention of important landscape features in accordance with Policy DM1 of the Councils Development Management Policies.

***Note – Condition 6 was amended. The applicant submitted the tree protection plan prior to the hearing, and has been checked and approved by Officers. Therefore the Condition has been changed to one which required the applicant to implement the agreed plan completely for the duration of the development.***

Condition (7) No external lighting shall be installed until a lighting scheme, including details of the design, size, luminance level and shielding arrangements have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved scheme and retained thereafter.

Reason: These details are required to be approved before the commencement of development to safeguard and enhance the character of the area in accordance with Policy DM1 of the Councils Development Management Policies.

Condition (8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the written approval of the Local Planning Authority shall be obtained for the construction and siting of any buildings, structures, erections, motorhomes or touring caravans (whether temporary or otherwise) to be placed or parked on the site.

Reason: To preserve the local environment and landscape in accordance with Policy DM1 of the Councils Development Management Policies.

Condition (9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the written approval of the Local Planning Authority shall be obtained for the placing of any overhead electricity service lines on the site.

Reason: To preserve the local environment and landscape in accordance with Policy DM1 of the Councils Development Management Policies.

Condition (10) Within three months of the first occupation of the lodges, the approved bird boxes shall be placed on the lodges and retained thereafter.

Reason: In order to provide a gain in biodiversity and in accordance with Policy DM4 of the Councils Development Management Policies.

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**PLANNING APPLICATION NO. SL/2019/0841 - THE COURTHOUSE, BURNESIDE ROAD, KENDAL, LA9 4NF**

The Principal Planning Officer presented Planning Application No. SL/2019/0841 which sought to demolish the existing building and redevelop the site with 64 retirement living apartments for older people (sixty years of age and/or partner over fifty years of age), guest apartment, communal facilities, access, car parking and landscaping. Referring to site plans and photographs, the Principal Planning Officer illustrated the applicant's proposal and its relationship to the surrounding neighbourhood properties. He stated that although there were considerable constraints and points of contention, given the proposed building's size, the site benefited from the fact that it was surrounded by dense planting on the North West side.

***Note – The Live Stream ended unexpectedly at 10.30. The hearing was adjourned until 10.45. The Live Stream re-commenced at 10.46. The Chairman repeated the introduction to the meeting and a roll call was held. All Members confirmed that they were able to hear and see the proceedings clearly.***

The Principal Planning Officer continued where he left off and turned to the issue of flood risk. Referring to site plans and photographs, the Principal Planning Officer outlined the potential flood risk. He highlighted that the proposed site pitched the ground floor of habitable accommodation at a level of 47.90m AOD, marked by the top of a substructure that underpinned the whole building. This level was to ensure that the habitable accommodation was safe from flooding. The Principal Planning Officer turned to the character of the proposed site, stating that the existing Magistrates Court was a quite unobtrusive structure, and that the site and surrounding gateway location of Burneside Road could benefit from a more assertive building. The Principal Planning considered the landscaping aspects of the proposal. He highlighted that the strong belt of existing planting was to remain unchanged for the most part. The Principal Planning Officer stated that surrounding properties had comfortable relationships with the proposal. He noted that the relationships between the residential buildings on Dockray Road and the site are much narrower, however, after having undertaken additional daylight assessments, the site passed the BRE test and with the combination of the belt of dense planting, the relationship between the buildings on Dockray Road and the site had been deemed as acceptable by Officers. The Principal Planning Officer acknowledged that one of the greatest public contentions regarding the proposal was the issue of parking. He noted that there was already a great deal of pressure on Dockray Road in particular and he fully accepted the comments made by the public regarding possible congestion issues. He also made reference to the National Cycle Network and Public Rights of Way.

The Principal Planning Officer recommended the application for approval, subject to:

- a) adoption by the Planning Committee of the "Habitat Regulations Assessment Report, Tyler Grange, Report Number: 12519\_R02a\_GP\_LP, 27 September 2019" to meet the Council's responsibilities as a competent authority in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019); and
- b) conditions.

Simon Cater, representing the applicant, addressed the Planning Committee in favour of the application. He stated that there had been no objection to the application from the Town Council and that the applicant had worked with the Council and two independent assessors in preparation of this Planning Application. He stated that the site was well located for retirement homes and that there was a need for housing for older people,

which this development would contribute to fulfilling. He stated that in fact housing for older people was ranked nationally as being in 'critical need' and that it was the only form of housing which held such description. He stated that the application was a great opportunity to provide housing for older people, which would free up existing housing for young families. It would also contribute to reduce NHS spending due to a reduction in health challenges. He concluded his representation stating that the site was well positioned to provide housing for older people due to its close proximity to the high-street in Kendal.

The Principal Planning Officer responded to questions raised by Members, many of which related to the lack of affordable housing in the scheme. The Principal Planning Officer directed Members to the detailed analysis in the report and offered some further explanation in respect of the benchmark land value that had been established for the scheme and the variables relating to finance and profit that were so critical in determining the potential for a contribution towards affordable housing. He also responded to a question about the significance of the recent High Court case in Islington, explaining that the judgment effectively reinforced the approach to establishing a benchmark land value that had been adopted by the various consultants employed to comment on the current application.

Members thanked the Principal Planning Officer for a well written report and gave consideration to the application. A motion to approve the application was proposed and seconded and a vote was taken on the motion, during which all Planning Committee Members confirmed that they had, without interruption heard the full presentation and discussion on the item and it was

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

a) adoption by the Planning Committee of the "Habitat Regulations Assessment Report, Tyler Grange, Report Number: 12519\_R02a\_GP\_LP, 27 September 2019" to meet the Council's responsibilities as a competent authority in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019); and

b) 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:

- PLANNING - Site Plan – ROOF (41+23) 64 Option, 30044KD-P002 Revision C
- PLANNING - Site Plan - GRND FLOOR (41+23) 64 Option, 30044KD-P003 Revision C
- PLANNING - Ground Floor Plan, (41 + 23) 64 Option, 30044KD-P004 Revision B
- PLANNING – First Floor Plan (41 + 23) 64 Option, 30044KD-P005 Revision B
- PLANNING – Second Floor Plan (41 + 23) 64 Option, 30044KD-P006 Revision A
- PLANNING – Third Floor Plan (41 + 23) 64 Option, 30044KD-P007 Revision A
- PLANNING – Roof Plan (41 + 23) 64 Option, 30044KD-P008 Revision A

- PLANNING – North West Elevation, (41 + 23) 64 Option, 30044KD-P009 Revision B
  - PLANNING – North East Elevation, (41 + 23) 64 Option, 30044KD-P0010 Revision B
  - PLANNING – South East Elevation, (41 + 23) 64 Option, 30044KD-P0011 Revision B
  - PLANNING – South West Elevation, (41 + 23) 64 Option, 30044KD-P0012 Revision B
  - PLANNING - Substructure Layout, (39 + 25) 64 Option, 30044KD-P0013 Revision A
  - PLANNING - Section A-A & C-C, 30044KD-P014, Revision A
  - PLANNING - Section B-B & D-D, (39 + 25) 64 Option, 30044KD-P0015 Revision A
- REASON: For the avoidance of doubt and in the interests of proper planning.

#### External materials

Condition (3): External walls and roofs shall be finished in accordance with the materials shown on the approved plans, and in accordance with stone and slate specifications that shall first have been submitted to, and approved in writing by, the local planning authority. Notwithstanding any annotations to the contrary on the approved plans, all stone and slate must comprise natural, locally-sourced materials.

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.

#### Accessible and adaptable homes

Condition (4): All of the apartments hereby approved shall be constructed to meet the Building Regulations M4(2) standards for accessible and adaptable homes and three of the dwellings shall be constructed to Building Regulations M4(3) wheelchair adaptable standards.

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

#### Broadband

Condition (5): No individual apartment hereby approved shall be first occupied until connected to the necessary infrastructure to enable access to high speed (superfast) broadband.

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

#### Highways

Condition (6): Occupation of the apartments (excluding any on-site staff) shall be restricted at all times to people of 60 years of age and above, or those of at least 55 years of age and living with a spouse or partner of 60 years or above.

REASON: To ensure that predicted traffic trip generation rates and parking demand are adhered to, 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) policies DM7 (Addressing Pollution, Contamination Impact, and Water Quality) and DM9 (Parking Provision, new and loss of car parks) of the South Lakeland Development Management Policies Development

Plan Document.

Condition (7): None of the apartments hereby approved shall be first occupied until the parking, access and manoeuvring areas shown on approved drawing PLANNING - Site Plan - GRND FLOOR (41+23) 64 Option, 30044KD-P003 Revision C have been constructed and made available for. Thereafter, all parking, access and manoeuvring areas must be retained as approved for the lifetime of the development.

REASON: To maintain highway safety in accordance with: (1) policy CS10.2 (Transport impact of new development) of the South Lakeland Core Strategy; and (2) policies DM1 (General Requirements for all development) and DM9 (Parking Provision, new and loss of car parks) of the South Lakeland Development Management Policies Development Plan Document.

Construction management

Condition (8): No development shall commence until a Construction Environment Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include:

- details of designated areas for construction vehicle parking, maneuvering, loading and unloading;
- details of storage areas for construction plant and materials;
- details of measures to control the emission of dust and dirt during construction;
- measures to control noise and vibration from plant, equipment and procedures during construction, including from any rock pecking and excavations;
- confirmation of an embargo on the burning of waste material;
- a scheme for recycling / disposing of waste resulting from excavations;
- details of a construction lighting scheme, designed to minimise light spillage from the site boundary;
- procedures for the cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- procedures for the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- management of junctions to and crossings of the public highway including the footway;
- details of any proposed temporary access points (vehicular / pedestrian);
- details of surface water management during the construction phase;
- details of any mitigation needed to prevent interference with public rights of way throughout the duration of the construction phase; and
- a biosecurity protocol to protect the adjacent River Kent SSS/SAC.

Thereafter, the construction phase of the development shall proceed in accordance with the approved CTMP.

REASON: In the interests of safeguarding the amenity and ecological interest of the existing area in accordance with: (1) policy CS8.4 (Biodiversity and geodiversity) 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.



Condition (9): Construction work shall not take place outside the hours of 0800 – 1800 Monday to Friday or 0900 – 1300 on Saturdays, nor at any time on bank holidays.

REASON: In the interests of safeguarding the amenity and ecological interest of the existing area in accordance with: (1) policy CS8.4 (Biodiversity and geodiversity) 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.

#### Noise

Condition (10): No individual apartment hereby approved shall be first occupied until a validation report has been submitted to, and approved in writing by, the local planning authority confirming that ambient noise levels do not exceed: (a) 35dB LAeq 16hour within the apartment's living room(s) and bedroom(s); and (2) do not exceed 30dB LAeq 8hour within the apartment's bedroom(s) between the hours of 2300 and 0700.

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

#### Land contamination

Condition (11): No development shall commence until a Phase Two Geo Environmental Site Assessment has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall proceed in accordance with the recommendations of the approved Assessment. None of the apartments hereby approved shall be first occupied until a Validation Report, detailing the nature of any contamination found during development and any relevant remediation works undertaken, has been submitted to, and approved in writing by, the local planning authority.

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

#### Flood risk

Condition (12): None of the apartments hereby approved shall be first occupied until the surface water drainage infrastructure for the site has been completed in accordance with the details contained within the Stantec Flood Risk Assessment (Project Ref: 30481/4093/4001, Rev: 1, dated September 2019), as amended by the Stantec Drainage Impact Assessment (Project Ref: 30481/4093, Doc Ref: C, dated January 2021). The geocellular tanks shall be lined with membranes complying with a specification that shall first have been submitted to, and approved in writing by, the local planning authority. Once installed, the membranes shall be integrity tested, with records made of leakage rates and any remediation. The surface water drainage infrastructure shall not be deemed complete until the results of the integrity testing have been submitted to, and approved in writing by, the local planning authority. Thereafter, the approved surface water drainage infrastructure shall be maintained for the lifetime of the development in accordance with the approved details.

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.

Condition (13): No development shall commence until a maintenance scheme for the flood water voids shown on approved drawing PLANNING - Substructure Layout, (39 + 25) 64 Option, 30044KD-P0013 Revision A has been submitted to, and approved in writing by, the local planning authority. Thereafter, the voids shall be maintained for the lifetime of the development in accordance with the approved scheme.

REASON: To reduce the risk of flooding 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.

#### Landscaping

Condition (14): 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.

Condition (15): No development shall commence until the tree protection measures specified in the Arboricultural Assessment & Method Statement (produced by Barrell Tree Consultancy, dated 27 January 2021) and shown on the associated Tree protection plan (Barrell Plan Ref: 19143-4 (Based upon Layout 30044KD-P002 Rev C)) 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 Arboricultural Assessment & Method Statement.

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.

#### Biodiversity

Condition (16): No development shall commence until a scheme demonstrating that the development will achieve a biodiversity net gain, measured using the Defra Biodiversity Metric 2.0 (or such later version as may be promoted by Defra at the time that the required scheme is submitted), has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall proceed in accordance with the approved scheme and the net gain shall be maintained for the lifetime of the development.

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.

Condition (17): The demolition of the main court building shall proceed in accordance with the recommendations of the submitted Bat Survey Report, produced by Tyler Grange and dated 27th September 2019.

REASON: To ensure that protected bat species are afforded the necessary legal protections during demolition.

Condition (18): None of the apartments hereby approved shall be first occupied until an information pack to be made available to future residents, highlighting the significance and sensitivity of The River Kent Special Area of Conservation (SAC), has been submitted to, and approved in writing by, the local planning authority. Thereafter, the information pack shall be made available to all future residents for the lifetime of the development.

REASON: To reinforce compliance with policy CS8.4 (Biodiversity and geodiversity) of the South Lakeland Core Strategy.

#### Lighting

Condition (19): None of the apartments hereby approved shall be first occupied until any required external lighting has been installed in accordance with a scheme that shall first have been submitted, and approved in writing by, the local planning authority. The scheme must include confirmation from a qualified ecologist that it has been designed to minimize harmful impacts on: (1) the River Kent and Tributaries Site of Special Scientific Interest (SSSI); (2) the River Kent Special Area of Conservation (SAC); and (3) protected species.

REASON: To mitigate the potential impacts on: (1) the River Kent and Tributaries Site of Special Scientific Interest (SSSI); (2) the River Kent Special Area of Conservation (SAC); and (3) protected species, all in accordance with policy CS8.4 (Biodiversity and geodiversity) of the South Lakeland Core Strategy.

#### Sustainable construction

Condition (20): The development shall proceed in accordance with a scheme incorporating as many of the provisions within the "List of Measures that support and enhance habitat creation, urban greening and respond to the effects of climate change" contained in Appendix 1 of the Development Management Policies Development Plan Document as is reasonably practicable in the circumstances. No development shall commence until the scheme has been submitted to, and approved in writing by, the local planning authority.

REASON: To incorporate measures that support and enhance habitat creation and urban greening ensuring that provision reflects the local biodiversity evidence base and reduces the factors contributing to, and responds to the effects of climate change, in accordance with policy DM2 (Achieving Sustainable High Quality Design) of the South Lakeland Development Management Policies Development Plan Document.

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**PLANNING APPLICATION NO. SL/2020/0337 - FAIRFIELD LODGE, PRIEST LANE, CARTMEL**

***Note – Councillor Gardner was disconnected from the proceedings for this Item of the Agenda.***

The Specialist (Development Management) presented Planning Application No. SL/2020/0337 which sought full planning permission for the demolition of parts of the

building and replacement extensions, as well as a new driveway leading to the parking area, a new double garage and carport. The Specialist highlighted the fact that the proposal had the possibility of impacting on nationally important archaeological remains, however, he emphasised that assessment from Historic England had shown that this impact was going to be very limited and therefore had made no objection to the grant of planning permission. The Specialist turned to concerns raised by the Conservation Officer who had expressed that the scheme had failed to demonstrate that it had successfully minimised or avoided any adverse impact on the setting of the heritage asset or that it would preserve or enhance the special character and appearance of the Cartmel Conservation Area. He was concerned that the new proposals, specifically the tarmacked area, would ultimately distract from as opposed to positively enhance the heritage grounds.

Referring to site plans and photographs, the Specialist (Development Management) further stated that concerns had been raised regarding the complexity of the roof line, which could pull focus from the original coach house as well as Fairfield House.

The Specialist (Development Management) concluded his presentation by summarising the pros and cons of Planning Application No. SL/2020/0337. The positive aspects mentioned were that (1) the restoration of the existing coach house had encouraged a return to its more original form, (2) it was a high-quality proposal and a high-standard design, and (3) the modernisation of the building was going to improve insulation and energy efficiency. The drawbacks were (1) the impact that the dormers and roof light had on the conservation area and the listed building, and (2) the potentiality that Fairfield Lodge would become the focus of the area in question as opposed to Fairfield House.

The Specialist (Development Management) recommended the application for approval subject to the conditions laid out in the report.

David Coward, representing the applicant, addressed the Planning Committee in favour of the application. He focused on the design aspects of the application, stating that there was a conscious decision of similarity to the original build to cause the least disturbance possible to the conservation area. Further, the new building had been pushed back so that the ridge aligned with the coach house in order to make the inside space more useable and less cramped. He stated that the painted glazing was going to be set in line with the slated roof, and that the new driveway and double garage would allow for Fairfield House and Fairfield Lodge to maintain their own respective identities. A new section of metal fencing was to be built to match the existing fencing. He stated that the new garage was carefully set out to have the least possible impact on views of the surrounding area. He concluded his representation by stating that there were no archaeological facts of importance anywhere on the site, and that Historic England had given their support to the proposal.

The Specialist (Development Management) responded to questions raised by Members. He emphasised that the applicant would be in breach of conditions should the roof line compromise the existing coach house. He reiterated that in the Officers' view the positive aspects of the application outlined the drawbacks.

The Specialist (Development Management) responded to questions raised by Members regarding the transport impacts of the proposal. He emphasised the minor nature of the development, large area of the site for storage of equipment and materials, and lack of any objection or request for a construction management plan by the Highways Authority.

***Note – Councillor Lamb left the meeting at this stage in the proceedings (12.30 pm).***

Members thanked the Specialist (Development Management) for a well written report and gave consideration to the application. A motion to approve the application was proposed and seconded and a vote was taken on the motion, during which all Planning Committee Members confirmed that they had, without interruption heard the full presentation and discussion on the item and it was

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

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

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

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

- Site Location Plan, date received 28/10/2020
- Proposed Elevations Amended, date received 11/12/2020
- Proposed Site Plan Amended, date received 11/12/2020
- Proposed Ground Floor Plan Amended, date received 11/12/2020
- Proposed First Floor Plan Amended, date received 11/12/2020
- Proposed Garage Amended, date received 11/12/2020

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

Condition (3)

a) No development shall commence until samples and/ or details of the materials to be used in the construction of all external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) Development shall be carried out in accordance with the approved details of materials unless otherwise agreed in writing with the Local Planning Authority.

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

Condition (4) No stonework, artificial or natural, (including columns, strings, quoins, lintels, sills, copings, plinths or kneelers) is to be erected until details of the source, colour, texture, coursing, mortar mix design, joint type and thickness and pointing technique, have been submitted to, and approved in writing by the Local Planning Authority in the form of large-scale drawings and/or samples. If so required by the Local Planning Authority, the latter may need to be submitted as a panel, which must be retained on site for comparative purposes until the development is completed. The development shall be carried out in accordance with the approved details.

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

Condition (5) Prior to the installation of any new or replacement windows and doors, full details of finishing of the 'reveal' and dimensional drawings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

Condition (6) Prior to the commencement of development, full details of both hard and soft landscape works (including tree planting, hedgerows and earth works) will be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be carried out as approved to the agreed timetable. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted.

Reason: These details are required to safeguard and enhance the character of the area, secure high quality landscaping and biodiversity net gains in accordance with Policies DM1, DM2 and DM4 of the of the Development Management Policies Development Plan Document. The details are additionally required to safeguard the setting of a heritage asset.

Condition (7)

a) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, height, design, materials and type of boundary treatment(s) to be erected.

b) The boundary treatment(s) shall be completed as approved before the development is occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority.

Reason: These details are required to be approved before the commencement of development to safeguard and enhance the character of the area and secure high quality landscaping in accordance with Policies DM2 and DM4 of the Development Management Policies Development Plan Document.

Condition (8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development of the type described in Part 1 of Schedule 2 of that Order shall be undertaken without the express permission of the Local Planning Authority.

Reason: To safeguard the character of the area and conservation area in accordance with Policies DM1, DM2, DM3 and DM4 of the Development Management Policies Development Plan Document.

Condition (9) Prior to the commencement of development, full details of bat boxes and their locations shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be carried out as approved to the agreed timetable and remain in perpetuity.

Reason: To safeguard protected species and in the interest of biodiversity in accordance with Para 175 of the National Planning Policy Framework and Policies DM1 and DM4 of the Development Management Policies Development Plan Document.

Condition (10) Prior to the commencement of development a written scheme of archaeological investigation must be submitted by the applicant and approved by the Local Planning Authority. Once approved, the scheme shall be implemented in full with an archaeological watching brief being undertaken by a qualified archaeologist. Within two

months of the completion of the development, a digital copy of the archaeological report shall be furnished to the Local Planning Authority.

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 investigation and recording of such remains in accordance with Policy CS8.6 of the Core Strategy and DM3 of the Development Management Policies Development Plan Document.

***Note – A decision was made by Members to adjourn the meeting for 5 minutes to allow for a short break. The meeting was adjourned at 12.40 pm and recommenced at 12.45 pm.***

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**PLANNING APPLICATION NO. SL/2020/0103 - GRANGE PROMENADE, GRANGE-OVER-SANDS, LA11 7DH**

***Note – Councillor Gardner was reconnected to the meeting (12.45 pm).***

***Note – Councillor Dixon was disconnected from the meeting (12.40 pm).***

***Note - The Chairman held a new roll call. All Members confirmed that they were able to hear and see the proceedings clearly.***

The Principal Planning Officer presented Planning Application No. SL/2020/0103 which proposed essential repairs to the entire length of the sea defence wall at Grange Promenade together with a number of landscape interventions. He stated that this was a South Lakeland District Council proposal made regarding South Lakeland District Council property. The promenade was completely contained within the bounds of the conservation area. He detailed that the method of construction included bog mats placed over the estuary, which would be removed once the repairs had been completed. He explained that the proposal included five landscape interventions, in addition to some Totem signage. They were to take the form of free standing stone work, each containing a panel in the centre which was to be filled with a bespoke piece of artwork. The artwork in question would be determined through a competition. The Totem signage would direct people under the underpass though to the car park.

The Principal Planning Officer recommended approval of Planning Application No. SL/2020/0103 subject to:-

a) adoption by the Planning Committee of the following documents as a Habitat Regulations Assessment to meet the Council's responsibilities as a competent authority in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019):

- Assessment of Likely Significant Effects (ALSE), Grange-over-Sands Promenade, February 2020, Bowland Ecology;
- Response to Natural England, BOW017/1004 Grange-Over-Sands Promenade, South Lakeland, 15 April 2020, Bowland Ecology;
- Ecological Monitoring and Habitat Restoration and Management Plan, BOW017/1004 Grange-Over-Sands Promenade, South Lakeland, 06 May 2020, Bowland Ecology; and
- Biodiversity and Habitat Management Plan, Grange-over-Sands Promenade, Cumbria, December 2020, Bowland Ecology

b) conditions.

The Principal Planning Officer responded to questions raised by Members. Councillor Long stated that this work was necessary and that the art work was a great enhancement for the experience of visitors to Grange Promenade.

Members thanked the Principal Planning Officer for a well written report and gave consideration to the application. A motion to approve the application was proposed and seconded and a vote was taken on the motion, during which all Planning Committee Members confirmed that they had, without interruption heard the full presentation and discussion on the item and it was

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

c) adoption by the Planning Committee of the following documents as a Habitat Regulations Assessment to meet the Council's responsibilities as a competent authority in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019):

- Assessment of Likely Significant Effects (ALSE), Grange-over-Sands Promenade, February 2020, Bowland Ecology;
- Response to Natural England, BOW017/1004 Grange-Over-Sands Promenade, South Lakeland, 15 April 2020, Bowland Ecology;
- Ecological Monitoring and Habitat Restoration and Management Plan, BOW017/1004 Grange-Over-Sands Promenade, South Lakeland, 06 May 2020, Bowland Ecology; and
- Biodiversity and Habitat Management Plan, Grange-over-Sands Promenade, Cumbria, December 2020, Bowland Ecology

d) 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): No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The CEMP must consolidate the embedded environmental protection measures, proposed working practices and other proposals for mitigation contained within the following reports into a single document:

- Assessment of Likely Significant Effects (ALSE), Grange-over-Sands Promenade, February 2020, Bowland Ecology;
- Response to Natural England, BOW017/1004 Grange-Over-Sands Promenade, South Lakeland, 15 April 2020, Bowland Ecology;
- Ecological Monitoring and Habitat Restoration and Management Plan, BOW017/1004 Grange-Over-Sands Promenade, South Lakeland, 06 May 2020, Bowland Ecology; and
- Biodiversity and Habitat Management Plan, Grange-over-Sands Promenade, Cumbria, December 2020, Bowland Ecology

Thereafter, the CEMP must be adhered to for the entire duration of the construction phase of the project.



REASON: In the interests of safeguarding the amenity and ecological interest of the existing area in accordance with: (1) policy CS8.4 (Biodiversity and geodiversity) 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.

Condition (3): Once implemented, the development must proceed in accordance with the provisions of the Biodiversity and Habitat Management Plan, Grange-over-Sands Promenade, Cumbria, December 2020, Bowland Ecology.

REASON: In the interests of safeguarding the amenity and ecological interest of the existing area in accordance with: (1) policy CS8.4 (Biodiversity and geodiversity) 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.

Condition (4): Construction work shall not take place outside the hours of 0800 – 1800 Monday to Friday or 0900 – 1300 on Saturdays, nor at any time on bank holidays.

REASON: In the interests of safeguarding the amenity and ecological interest of the existing area in accordance with: (1) policy CS8.4 (Biodiversity and geodiversity) 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.

The meeting ended at 1.11 p.m.