

PLANNING COMMITTEE

Minutes of the proceedings at a meeting of the Planning Committee held in the Assembly Room, Kendal Town Hall, on Thursday, 25 August 2022, at 10.00 a.m.

Present

Councillors

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

Rupert Audland
Brian Cooper
Michael Cornah
Philip Dixon

Judy Filmore
Gill Gardner
Chris Hogg
Janette Jenkinson

Susanne Long
David Webster

Apologies for absence were received from Councillors John Holmes and Vicky Hughes.

Officers

Pamela Chesterman	Solicitor
Nick Howard	Team Leader Development Management
Adam Moffatt	Legal, Governance and Democracy Specialist
Joshua Parkinson	Senior Specialist - Development Management
Sonja Swift	Specialist - Development Management

P/17 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting held on 16 June 2022.

P/18 DECLARATIONS OF INTEREST

In response to notice of alleged lobbying, the Solicitor supporting the meeting reminded Members of the Planning Committee that it was their responsibility to determine whether they were, or could be considered to have bias or predetermination through their actions and or responses and emphasised the need to keep an open mind during the meeting.

RESOLVED – That it be noted that the following declarations were made:-

- (1) Councillor Pete McSweeney declared a non-pecuniary interest by virtue of the fact that he had been lobbied on the application being considered under Minute No. P/21 (Planning Application No. SL/2021/0175 - Duke of Cumberland Inn, 1 Appleby Road, Kendal, LA9 6ES) but noted that he remained open-minded to consider the item;
- (2) Councillor Susanne Long declared a non-pecuniary interest by virtue of the fact that that she had been lobbied on the application being considered under Minute No. P/21 (Planning Application No. SL/2021/0175 - Duke of Cumberland Inn, 1 Appleby Road, Kendal, LA9 6ES) but noted that she remained open-minded to consider the item;
- (3) Councillor Gill Gardner declared a non-pecuniary interest by virtue of the fact that she had called in the application being considered under Minute No. P/24 (Planning Application No. SL/2022/0355 – Barn Hey Farm, Flookburgh Road, Allithwaite, Grange-Over-Sands, LA11 7RJ) and confirmed that she would leave the meeting following the officer presentation; and

- (4) Councillor Philip Dixon declared a non-pecuniary interest by virtue of the fact that he was the Ward Member for the application being considered under Minute No. P21 (Planning Application No. SL/2021/0175 - Duke of Cumberland Inn, 1 Appleby Road, Kendal, LA9 6ES) but noted that he remained open-minded to consider the item.

P/19 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

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

P/20 PUBLIC PARTICIPATION

RESOLVED – That it be noted that applications to speak under the Council's public participation scheme had been received in respect of the following items:-

- (1) Minute No. P/21 (Planning Application No. SL/2021/0175 Duke of Cumberland Inn, 1 Appleby Road, Kendal, LA9 6ES);
- (2) Minute No. P/22 (Planning Application No.SL/2021/1155 Plot 2, Former Allotment Land North of Hare and Hounds Pub, Church Road, Levens, Kendal, LA8 8PP); and
- (3) Minute No. P/23 (Planning Application No.SL/2021/0355 Plot 1, Former Allotment Land North of Hare and Hounds Pub, Church Road, Levens, Kendal, LA8 8PP).

P/21 PLANNING APPLICATION NO. SL/2021/0175 DUKE OF CUMBERLAND INN, 1 APPLEBY ROAD, KENDAL, LA9 6ES

Erection of convenience store, retention of public house with redesigned beer garden, reconfigured car park including retained vehicular access from Shap Road and relocated vehicular access from Appleby Road, introduction of a service layby on Appleby Road and provision of a pedestrian crossing on Appleby Road (Resubmission of SL/2020/0431).

Note - Councillor Pete McSweeney and Councillor Susanne Long both declared a non-pecuniary interest by virtue of the fact that they had been lobbied on Planning Application No. SL/2021/0175 - Duke of Cumberland Inn, 1 Appleby Road, Kendal, LA9 6ES but noted that they did not feel predetermined on the item; and

- **Councillor Philip Dixon declared a non-pecuniary interest by virtue of the fact that he was the Ward Member for the site of Planning Application No. SL/2021/0175 - Duke of Cumberland Inn, 1 Appleby Road, Kendal, LA9 6ES but noted that he did not feel predetermined on the item.**

The Planning Officer presented Planning Application No. SL/2021/0175. The proposal sought approval for a single story convenience store, located close to the northern boundary of the application site. The Planning Officer drew Members' attention to the Late Item, which had been circulated to Members and published on the Council's website. He displayed photographs and plans, which outlined the proposal and provided Members with full details of the application, which were included within the report. The Planning Officer noted two ongoing enforcement cases, which related to the beer garden and erection of lampposts and lighting, both of which had been placed on hold, pending the outcome of this application.

Members informed of the 776 representations, 728 of which were objections, 44 were observations, with 4 being in support of the application. Kendal Town Council had opposed the application, with their main concerns being set out in the report.

Members were informed of a meeting between Planning Officers and the Applicant, which had taken place following the publication of the agenda, as a result the Agent had submitted additional and amended information which related to the following, full details of which were set out within the Late Item:-

- Flood safety, with reference to the submitted site-specific flood-risk assessment, resulting in a retained but amended reason for refusal relating to flood-risk;
- Impact on highway safety and transport, resulting in the original reason for refusal, relating to highway safety and transport being withdraw;
- Impact on parking and servicing provision, which resulted in the reason for refusal relating to parking and service provision being withdrawn; and
- Whether the proposed design is sustainable, resulting in the reason for refusal relating to sustainable design being withdrawn.

The Late Item concluded that the proposed development, despite the amendments, did not accord with the development plan taken as a whole and would not constitute sustainable development. Furthermore, as there had been no substantiated material consideration presented by the Applicant that outweighed this finding, the recommendation remained to refuse the planning permission.

Adam Edwards, a local resident, addressed the committee and spoke in objection to the application.

Joshua Macaulay, the current leaseholder at the Duke of Cumberland Inn, addressed the committee and spoke in objection to the application.

David Evans, speaking as a local resident and representative, addressed the committee in objection to the application.

Councillor Shirley Evans, the County Councillor for Kendal Nether, addressed the committee and spoke in objection to the application.

The Planning Officer read out a deputation in support of the application on behalf of Punch Taverns, sent by Jeremy Heppell the agent.

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

The Planning Officer provided detailed responses to a number of questions raised by Members. Members noted that the presence of a Cumbria County Council Highways Officer would have provided complete responses to a number of queries relating to highway safety, parking and service provision.

Members expressed concern regarding highway safety and lack of parking provision. The Solicitor provided legal advice relating to a potential amendment to the decision. The Principal Planning Officer added that Members may wish to consider reusing the fourth reason for refusal set out in the Officer's main report which related to a shortfall in parking provision. Members discussed their concerns and a proposal to amend the decision was

put forward and seconded and it was agreed that a third reason for refusal be added to the recommendations in the Late Item report regarding a shortfall in parking provision.

Following further debate, a motion to refuse the application was proposed and seconded and a vote was taken on the application and it was

RESOLVED – That the application be refused on the following grounds:-

- Reason (1) The amended Town Centre Sequential Test does not demonstrate sufficient flexibility on the issues of format and scale as required by Paragraph 88 of the National Planning Policy Framework. Therefore, it discounts a number of sequentially preferable sites within the town centre that appear both suitable and available for the broad type of development proposed. Consequently, the proposed development conflicts with Policy CS7.5 of the South Lakeland Core Strategy, Policy LA1.2 of the South Lakeland Land Allocations Development Plan Document and Paragraph 87 of the National Planning Policy Framework.
- Reason (2) The amended Flood Risk Sequential Test discounts a number of sequentially preferable sites within the town centre that appear both suitable and available for the broad type of development proposed and are at lower risk from flooding. Consequently, the proposed development conflicts with Policy CS8.8 of the South Lakeland Core Strategy, Policy DM6 of the South Lakeland Development Management Policies Development Plan Document and Section 14 of the National Planning Policy Framework.
- Reason (3) The proposed development raises significant concerns regarding the shortfall of on-site parking provision. This would result in on-street parking within the surrounding area, which does not have sufficient capacity to accommodate the shortfall. In turn, this would have an adverse impact on the road network and the availability of on-street parking for local residents. Consequently, the proposed development conflicts with Policy CS10.2 of the South Lakeland Core Strategy, Policy DM9 of the South Lakeland Development Management Policies Development Plan Document and Paragraph 110 of the National Planning Policy Framework.

P/22

PLANNING APPLICATION NO. SL/2021/1155 PLOT 2, FORMER ALLOTMENT LAND NORTH OF HARE AND HOUNDS PUB, CHURCH ROAD, LEVENS, KENDAL, LA8 8PP

Note – Prior to the beginning of the Planning Officer's presentation, Members agreed to take a brief comfort break. The meeting was adjourned at 11.25 a.m. and resumed at 11.30 a.m.

Dwelling and associated site works

The Planning Officer presented Planning Application No. SL/2021/1155. The proposal sought approval for a new two storey-detached dwelling on a self-build basis with parking access taken from Church Street, Levens.

The application had been revised following concerns raised by the Planning Officer regarding the size, design and appearance and highway issues, which had resulted in the application being subject to re-consultation. She set out the history of the site and reminded Members of the site visit, which provided context for the report. She displayed

photographs and site plans, including an aerial view of the site. The Planning Officer outlined the proposal and provided Members with full details of the application, which had been included within the report.

Members' attention was drawn to key policy issues with the application, including the impact on neighbouring occupiers. Policy DM2 included in part that the development ensured acceptable levels of amenity and privacy through adequate separation of existing and proposed properties and buildings; ensuring the development respond appropriately to the sites' local context, character and distinctiveness. The Planning Officer noted that ground levels of the site rose dramatically and that the revision to the proposals had particularly affected the south and west elevations as well as the proximity to adjacent dwellings, which had caused unacceptable levels of overlooking, loss of privacy and would present an overbearing development in an elevated position.

The Planning Officer reminded Members that this application should be considered on its own merit as a standalone application and noted that subject to conditions, no objections had been received from County Highways and Lead Local Flood Authority (LLFA), Public Protection and United Utilities, full details of which had been set out within the report. Furthermore, no objection had been raised by Levens Parish Council regarding the application. Objections had been received from residents full details of consultations and objections were set out within the Officer's report.

Roland Kelly, the applicant, addressed the committee and spoke in support of the application.

Tony Hills, the agent for the application addressed the committee and spoke in support of the application.

The Planning Officer responded to questions raised by Members.

Members discussed the nature of the site and commended its use of renewable/"green" technology, but noted how crucial the site visit had been in understanding the context of the proposed developing in this specific location. It was felt that the revision to the proposed dwelling would significantly affect neighbouring properties.

A motion to refuse the application was proposed and seconded and a vote was taken on the application and it was

RESOLVED – That the application be refused on the following grounds:-

- (1) The proposed development by virtue of its scale, massing and appearance in relation to the site, particularly on the south and west elevations and proximity to adjacent dwellings, would give rise to unacceptable levels of overlooking and loss of privacy and form an overbearing and incongruous development in an elevated position, detrimental to, and out of character to the local and wider area contrary to policies CS1.1, CS8.2 and CS8.10 of the South Lakeland Core Strategy, Policies DM1 and DM2 of the South Lakeland District Council Development Management Policies Development Plan Document) and paragraphs 130 and 134 of the National Planning Policy Framework.
- (2) The proposed development would provide unacceptable living conditions for future occupants and does not constitute good design. Therefore, the proposed development conflicts with Policy DM1 of the Development Management Policies Development Plan Document, Section 12 of the National Planning Policy Framework and Paragraph 120 of the National Design Guide.

P/23**PLANNING APPLICATION NO. SL/2021/1206 PLOT 1, FORMER ALLOTMENT LAND NORTH OF HARE AND HOUNDS PUB, CHURCH ROAD LEVENS, KENDAL, LA8 8PP***Dwelling and associated site works*

The Planning Officer presented Planning Application No. SL/2021/1206. The proposal sought approval for a new two storey detached dwelling on a self-build basis with parking and access taken from Church Street, Levens.

The application had previously been granted approval and then revised following design and amenity concerns had been raised. Members' attention was drawn to site plans and photographs. The Planning Officer explained the full details of the application, which were set out in the report and noted the changes from the initial approval, adding that the revision had only meant minor changes to the overall proposal as highlighted in the report.

Members were reminded of the site's characteristics including the topography and informed that subject to conditions no objections had been received with regards to County Highways and LLFA, Public Protection and United Utilities. The Planning Officer added that two letters of representation had been received from local residents, full details of which were included in the report.

Stuart Huddleston, the applicant, addressed the Planning Committee and spoke in favour of the application.

Tony Hills, the applicant addressed the Planning Committee and spoke in favour of the application.

The Planning Officer had no comments to make following the public participation.

Members had no questions for the Planning Officer.

A proposal to approve the application was put forward and seconded.

During debate, Members noted that the application had a number of positive aspects including its contribution towards the challenge of climate change, sensitively incorporated in context with the sites' constraints – being relatively small in plot size and being elevated - adding that it would not negatively impact the surrounding area.

A vote was taken 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 and documents:-

- Existing Site and Location plan 21035 P 101

- Proposed Site Plan & Floor Plans 21035 P102 Rev A received 22 April 2022
- Proposed North and South Elevations 21035 P103 Rev A received 22 April 2022
- Proposed East and West Elevation 21035 P104 received 22 April 2022
- Materials to be used in construction received 6 June 2022
- Plots 1 and 2 visibility splays 21035 P301 received 6 June 2022
- Surface water drainage design by R G Parkins dated 1 June 2022 received 6 June 2022
- Phase I Geoenvironmental Site Assessment by E3P ref 16-019-R1-1 received 6 June 2022

Reason: For the avoidance of doubt and in the interests of proper planning and 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 (3) The internal configuration of the dwelling hereby approved shall be constructed to meet the Building Regulations M4(2) standards for accessible and adaptable homes.

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

- Condition (4) The dwelling hereby approved shall not 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 the 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: In the interests of highway safety in accordance with Policy DM1 of the Development Management Policies Development Plan Document and Policy CS10.2 of the South Lakeland Core Strategy.

- Condition (5) In accordance with the approved plans, the dwelling shall not be occupied until the visibility splay has been provided in accordance with the approved plans and 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 splay in a manner which obstructs the limits of clear visibility defined above.

Reason: In the interests of highway safety and in accordance with Policy DM1 of the Development Management Policies Development Plan Document and Policy CS10.2 of the South Lakeland Core Strategy.

- Condition (6) Prior to the commencement of use of the vehicular access or the occupation of the dwelling, the vehicular access shall be 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 dwelling concerned.

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

- Condition (7) The development shall take place in full accordance with the Phase I Geoenvironmental Site Assessment by E3P ref 16-019-R1-1 received 6 June 2022 and prior to the occupation of the dwelling (or at any other prior and appropriate stage) a verification report shall be submitted to and approved in writing by the local planning authority to demonstrate that all/any remediation measures have been completed including any required monitoring and maintenance plan for longer-term monitoring. If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To prevent harm to human health and the environment in accordance with Policies DM1 and DM7 of the Development Management Policies Development Plan Document.

- Condition (8) The development shall take place in accordance with the Construction Management Plan received 1 August 2022 and adhered to throughout the construction period.

Reason: To the amenity of neighbouring occupiers in accordance with Policy DM7 Development Management Policies Development Plan Document and highway safety.

- Condition (9) Prior to the erection of the superstructure, full details of a validation report that demonstrates that the sustainable drainage system drainage scheme has been carried out in accordance with the approved plans and details and details of a management and maintenance plan for the drainage system, has been submitted to and approved in writing by the Local

Planning Authority. The development shall be implemented, retained and maintained in accordance with the details so approved.

Reason: To ensure surface water is managed in a sustainable way in accordance with Policies DM1, DM6 and DM7 of the Development Management Policies Development Plan Document and Policy CS8.8 of the South Lakeland Core Strategy.

Condition (10) The dwelling shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and those works shall be carried out as approved. The details shall include:-

- means of enclosure/boundary treatment;
- hard surfacing materials;
- any minor or artefacts and structures (e.g. refuse or other storage units, signs, lighting, etc.);
- communications cables, pipelines etc. indicating lines, manholes, supports;
- retained landscape features such as trees together with details of how they will be protected during construction.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities; and an implementation programme. 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: To ensure compliance with: (1) Policy CS8.10 (Design) of the South Lakeland Core Strategy; and (2) Policy DM1 (General Requirements for all development) and DM2 (Achieving Sustainable High Quality Design) of the South Lakeland Development Management Policies Development Plan Document.

Condition (11) Prior to the occupation of the dwelling, full details of the provision of one or more swift bricks, bird and bat boxes shall be submitted to, and approved in writing by, the local planning authority and shall include manufacturers' details of each bird and bat box and swift bricks together with a plan identifying their proposed locations. Thereafter, the approved details shall be implemented and retained for the lifetime of the development, replaced on a like-for-like basis as necessary.

Reason: To meet the requirements of policy DM4 (Green and Blue Infrastructure, Open Space, Trees and Landscaping) of the of the South Lakeland Development Management Policies Development Plan Document.

Condition (12) No external lighting shall be installed unless and until a scheme for the provision of external lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the location, design, luminance levels, light spillage and hours of use of all

external lighting within the site and the approved lighting scheme shall be implemented in full prior to installation of any external lighting as approved.

Reason: These details are required to be approved before the installation of any external lighting to safeguard and enhance the character of the area and to minimise light pollution and in the interests of ecology in accordance with Policies DM2 and DM4 of the Development Management Policies Development Plan Document.

Condition (13) Prior to the occupation of the dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be retained and maintained in good working condition. The scheme shall include the following details –

- the location, number and capacity / charge rate (slow, fast and rapid) of the EVCPs to be/ being installed. It is acknowledged that the exact model and specification may not be available at the early design stage. Good practice is to install double charge point.
- the location and/or layout of charging equipment in respect to parking bays i.e. two vehicles served from one charge point, charging cables in proximity to pedestrians, blocking pavements etc. Charging Infrastructure should be positioned to avoid becoming an obstruction or trip hazard
- Proximity of metered energy supply/electrical supply

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality.

Condition (14) 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 Classes A to F , of Part 1 of Schedule 2 of that Order shall be undertaken without the express permission of the Local Planning Authority.

Reason: To minimise the visual impact of the proposed development upon the surrounding area and protect the amenities of nearby dwellings in accordance with Policy DM1 of the Development Management Policies Development Plan Document and Policies CS8.2 and CS8.10 of the South Lakeland Core Strategy

P/24

PLANNING APPLICATION NO. SL/2022/0355 BARN HEY FARM, FLOOKBURGH ROAD, ALLITHWAITE, GRANGE-OVER-SANDS, LA11 7RJ*Erection of 37 dwellings and associated works (Resubmission of SL/2021/0027)*

Note - Councillor Gill Gardner declared a non-pecuniary interest by virtue of the fact that she had called in Planning Application No. SL/2022/0355 – Barn Hey Farm, Flookburgh Road, Allithwaite, Grange-Over-Sands, LA11 7RJ and confirmed that she would leave the meeting following the officer presentation.

The Principal Planning Officer presented Planning Application No. SL/2022/0355. The proposal was for the erection of 37 dwellings, open space and associated community/highways infrastructure on land at Barn Hey, Allithwaite. He displayed photographs and site plans and provided the full details of the application, which had been included within the report.

Members' attention was drawn to a complaint letter, which had been submitted by the applicant. The Principal Planning Officer explained the context of the letter and informed the meeting that the applicant had submitted a late revised plan of the site, which was displayed on the screen. He advised members that the revised plan had not been considered by officers as the plan had been submitted two days prior to the meeting. He added that the applicant had requested that Members defer the application in order for the Planning Officers to consider the revised plan.

Following discussion on the item and the letter of complaint from the applicant, a proposal to refuse the application was proposed and seconded and it was

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

- (1) Approximately 0.33ha of the proposed site is located outside of the Allithwaite Development Boundary and the Barn Hey Housing Allocation. The dwellings located within this section constitute new houses within the open countryside. In accordance with Policies CS1.2 of the South Lakeland Core Strategy and Policy DM14 of the Development Management Policies Development Plan Document, new dwellings within the open countryside must have an essential requirement providing robust evidence for the housing need and be 100% affordable in perpetuity. All of the proposed dwellings in this location are open market and no evidence for their need has been presented. The proposed development is therefore not considered to comply with Policy CS1.2 of the South Lakeland Core Strategy and Policy DM14 of the Development Management Policies Development Plan Document.
- (2) The footpath link providing a direct access from the site to the centre of the village was a key issue for the sites development, the removal of this from this proposal would be contrary to the requirements of the allocation and as such would be contrary to the requirements of Policy LA1.3 of the South Lakeland Local Plan Land Allocations DPD.
- (3) Dwellings within the open countryside are required to be 100% affordable. All of the proposed dwellings outside of the Allithwaite Development Boundary and the Barn Hey Housing Allocation are open market. There are 13 affordable dwellings for the proposed scheme representing a provision of 35% (31% if you include the 4 dwellings of approval SL/2017/0979 adjoining the south of the proposed site by the same landowner). The proposed affordable dwellings do not comply with the

existing needs established through the Strategic Housing Market Assessment; the required tenure for affordable housing and are clustered within the south-western section of the site rather than mixed throughout the development. The proposed development is therefore not considered to comply with Policy CS6.3 of the South Lakeland Core Strategy and Policy DM14 of the Development Management Policies Development Plan Document.

- (4) The proposed dwellings are not considered to be of a particularly high quality, offer little in the way of architectural interest or identity, and lack any real sense of place. The dwellings adjacent to the B5277 road at the entrance to the village are of a high density and terraced nature, completely out of character for the proposed sites rural location on the edge of the existing settlement. The proposed site extends up to 18.5m further north up the existing slope increasing the proposed sites prominence when entering the settlement and from within, having an unacceptable impact on landscape character. The proposed development is therefore not considered to comply with Policies CS8.2 and CS8.10 of the South Lakeland Core Strategy, Policy DM2 of the Development Management Policies Development Plan Document and Chapter 12 of the National Planning Policy Framework.
- (5) The Barn Hey Housing Allocation is clear that one of the key factors to a successful scheme is the impact on the setting of the Grade II listed Barn Hey Cottage and Barn Hey Farmhouse. The proposal extends further to the north, up the existing slope with the dwellings to the rear of Barn Hey Farmhouse and Damson Byre higher or of equal height, thereby accentuating the overbearing impact of development on higher ground on these heritage assets. Notwithstanding any public benefit provided by the provision of affordable housing, noting the issues with the insufficient/non-substantiated type of affordable housing proposed which is not compliant with the Council's relevant policies, it is not considered that the general public benefit in providing affordable housing in this case is sufficient to address the less than substantial harm to the setting of the heritage assets. The proposed development is therefore not considered to comply with Policy DM3 of the Development Management Policies Development Plan Document, Policy CS8.6 of the South Lakeland Core Strategy and Paras 193, 195, 196 and 200 of the National Planning Policy Framework.
- (6) The proposed development contains insufficient highways information to accurately assess its impact on highways safety. The proposed development is therefore not considered to comply with Policy CS10.2 of the South Lakeland Core Strategy and Para 109 of the National Planning Policy Framework.
- (7) The proposed development contains insufficient biodiversity and ecological detail and is unable to demonstrate qualitative net gains in biodiversity. Therefore, the proposal does not comply with Policy DM4 of the Development Management Policies Development Plan Document and Para 170 of the National Planning Policy Framework.
- (8) The proposed development would remove a section of hedgerow adjacent to the south-west boundary of the proposed site. The proposal lacks any clear and demonstrable reasons why this removal would aid delivery of a better development overall. The proposal is therefore not considered to comply with Policy DM4 of the Development Management Policies Development Plan Document.

The meeting ended at 1.01 p.m.