

PLANNING COMMITTEE

Minutes of the proceedings at a meeting of the Planning Committee held in the District Council Chamber, South Lakeland House, Kendal, on Thursday, 16 June 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
John Holmes

Vicky Hughes
Janette Jenkinson
Susanne Long
David Webster

Officers

Liz Arnold	Senior Specialist - Development Management
Andrew Martin	Principal Planning Officer
Jane McKeon	Case Management Officer (Support Services)
Danielle Walls	Legal, Governance and Democracy Specialist (Solicitor)
Sonja Swift	Specialist - Development Management
Eleanor Rawsthorne	Specialist Enforcement Level 2

P/1 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting held on the 24th March 2022.

P/2 DECLARATIONS OF INTEREST

RESOLVED – That it be noted that the following non-pecuniary interests were made:

(1) Councillor Suzanne Long with regards to Minute No. p/62 (Planning Application No. SL/2021/0495 Sandgate School at Queen Katherine School Site, Appleby Road, Kendal, LA9 6PJ.); and

(2) All Members declared interest with regards to Minute No. p/65 (Planning Application No. SL/ 2022/0160 Post Office, Main Street, Greenodd, Ulverston, LA12 7RB.)

The Legal, Governance and Democracy Specialist clarified with Members that they understood their responsibility regarding 'perceived bias'. The perception of bias definition was read to Members. Members were requested to declare to the Committee if they believed themselves to be influenced or predetermined in any way.

No member disclosed any concerns regarding being influenced or pre-determined on the above matters.

P/3 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

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

P/4 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:

- (1) Minute No. P/62 SL/2021/0495 – Sandgate School at the Queen Katherine School site, Appleby Road
- (2) Minute No. P/63 SL/2022/0332 – Garden of Castle Mount, Burton Road, Oxenholme
- (3) Minute No. P/65 SL/2022/0160 Post Office, Main Street, Greenodd, Ulverston
- (4) Minute No. P/66 SL/2021/0162 Land at Viver Green, Viver Lane, Hincaster

P/5 PLANNING APPLICATION NO. SL/2021/0495 SANDGATE SCHOOL AT QUEEN KATHERINE SCHOOL SITE, APPLEBY ROAD, KENDAL, LA9 6PJ

Extension of Sandgate SEN school comprising of new educational classrooms, multi-purpose hall with pupil facilities, teaching facilities and external works

Note - Councillor Susanne Long declared a non-pecuniary interest by virtue of the fact that she knew one of the objectors. She confirmed that she was not predetermined and remained in the meeting for discussion and voting on the item.

The Principal Planning Officer confirmed that an email had been received this morning by his colleague Sonia Swift – Planning Officer. The email from Christian Judd, Director – Architects Plus, acting on behalf of the Applicant - Cumbria County Council, requested the Application be deferred to allow additional time to address the Sport England objection.

The Principal Planning Officer put forward the recommendation to defer the Application. Members supported of the motion.

The motion to defer the Application was proposed and seconded and a vote taken and it was:

RESOLVED – That Agenda Item No. 6: Planning Application No. SL/2021/0495 Sandgate School at The Queen Katherine School site, Appleby Road, Kendal; be deferred to a later meeting date.

Note - Following a query raised by Members, the Chairman clarified that the application was a matter for South Lakeland District Council to determine and was not for the attention of Cumbria County Council.

P/6

PLANNING APPLICATION NO. SL/2022/0332 GARDEN OF CASTLE MOUNT, BURTON ROAD, OXENHOLME, KENDAL LA9 7PR*Erection of detached dwelling.*

The Principal Planning Officer provided a presentation outlining the details of the proposal. The position of the site in relation to Kendal and Oxenholme was established with a site plan being displayed. The site for the proposed dwelling was presented and explained with access points being highlighted and an inset map illustrating the settlement boundary. The land earmarked for the Application was set outside of the development boundary, with a variety of diagrams and photographs being displayed to provide the visual setting.

The Principal Planning Officer explained that the Application had been called in by Councillor Rathbone on the grounds that he considered it an 'infill' development, despite being outside the settlement boundary. The existing development boundary close to Burton Road was immediately to the west of the site.

Key policy points relative to the Application were discussed including reference to Development Strategy and Policy.

The Principal Planning Officer presented key policy points which related to the application, including the Development Strategy and Policy and provided an overview of the report. He drew Members' attention to the material considerations as outlined in the report and noted potential exceptions to Policy.

The Principal Planning Officer assessed the Application against the development plan via Policy DM12 Self Build and Custom Build Housing, DM13 Housing Development in Small Villages and Hamlets (Outside the AONB) and DM14 (Rural Exceptions). These policies provided scope for small and windfall sites, ensuring that for each form of housing, the qualifying criteria were met. The criteria was assessed in relation to this Application and the parameters and rules were discussed.

The Principal Planning Officer's recommendation was that the Application be refused on the grounds that the development was situated outside the settlement boundary and would undermine the aims of Policy LA1.1 of the Land Allocations Development Plan Document (LADPD).

Public Speaker: Kate Bellwood (Planning Agent) spoke in support of the proposal.

The Principal Planning Officer addressed the points raised during the public participation.

The Principal Planning Officer responded to questions raised by Members and in doing so, stressed that each application be considered on its own merits and deviation from policy should only occur in very exceptional circumstances. The planning process was designed to guide and ensure that new developments are delivered in sustainable locations. The cumulative effect of allowing houses to be built outside of this strategy would be harmful and undermine the Council's approved Development Strategy.

The Chairman stipulated the value and importance of the Council agreed policies unless there were exceptional circumstances.

Members requested an update on self-build targets and sight of our performance figures. The Planning Officer responded with illustrative slides showing that the Council was exceeding its targets for self-build properties. Members queried if the proposed Application was an environmentally friendly design. The Planning Officer stated that as this was an outline application there was no firm proposals to suggest that this Application would match environmental targets.

A motion to refuse the application following the Planning Officer's recommendation was proposed and seconded and a vote taken and it was:

RESOLVED: - That the application seeking planning permission be refused on the following grounds:-

Reason for Refusal:

The proposed development is located outside the settlement boundary for Oxenholme and is therefore contrary to Policy LA1.1 of the Land Allocations Development Plan Document, the purpose of which is to ensure that new homes are delivered in sustainable locations and to protect the character of the surrounding landscape. The proposal will therefore not be in a sustainable location and will be harmful to the character of the surrounding landscape. As such, it would be contrary to policies LA1.1 of the Land Allocation Development Plan Document, CS1.2 of the South Lakeland Core Strategy and DM12 of the Local Plan Development Management Policies Development Plan Document.

P/7

PLANNING APPLICATION NO. SL/2019/0743 LAND NORTH OF MEADOWBANK BUSINESS PARK, SHAP ROAD, KENDAL , LA9 6NY

Hybrid application: 1. Full Application for motor dealership (sui generis) including workshops, access roundabout, spine road and internal compartmentation area access junctions. 2. Outline Planning Application all matters reserved, apart from access, for employment business park (indicatively B1/B2 6400m2 & B8 2500m2).

The Principal Planning Officer provided a report outlining the proposed development. An earlier version of this proposal had been considered by the Planning Committee in October 2021, when Members resolved to approve the Application subject to a section 106 agreement and a number of conditions. Since then the proposal has undergone significant amendments, requiring further consideration by the Committee.

The Principal Planning Officer presented slides to indicate the extent of the proposed site for development as it differed from the previous application. Much of the application site was within the development boundary of Kendal on land allocated for development by Land Allocations DPD policy LA1.8 (Local Employment Allocations). The policy listed the "Acceptable Uses" for the site as those falling within Classes B1 (Business) and B2 (General Industrial) of The Town and Country Planning (Use Classes) Order 1987 (as amended).

The Principal Planning Officer provided a description of the hybrid application, being a full application for a motor dealership (sui generis) including workshops, access roundabout, spine road and internal compartmentation area access junctions. He described the updated proposal as now being in conflict with the development plan by including 50m of land beyond the development boundary of the town.

The justification for the recommendation had been based upon material planning consideration in that the revised proposal will provide space for the sustainable disposal of the considerable amount of surplus topsoil that would be generated by the development. The updated proposal provided an opportunity for landscape mitigation and offered the prospect of achieving the required biodiversity net gain entirely on-site. The material planning consideration with a condition to limit use of the area in the manner proposed, were sufficient to justify the departure from policy. A variety of photographs from differing angles were shown to explain the proposal.

The proposal considered last year was recapped. The issues with colour on the building designs have also been addressed with the visual impact of the buildings being reduced. The configuration of the plan and site access was discussed. The Principal Planning Officer advised that the plan as submitted was now intended as the full and final development, subject to approval of reserved matters for the outline element of the proposal. This included the diversion of the public rights of way; diagrams and photographs served as explanation. The formal diversion to the footpaths were put to Members for consideration and approval.

The Principal Planning Officer explained how the use of the topsoil enabled a contribution to biodiversity and added that the avenue of trees shown in the photographs would be lost with 50 metres of new trees being planted to compensate. He referenced the possibility for three additional offsite areas proposed by the Applicant to be developed as biodiversity net gain to attach to the proposal as an alternative.

The Principal Planning Officer recommended that the application be approved as there were sound material planning considerations submitted in support of the revised proposal and therefore departure from policy was justified.

To address the extension of the land into the field outside the development boundary Members requested a condition be proposed which would specify that no further building be allowed on that strip of land. The Principal Planning Officer agreed and relayed the obligations required. A discussion followed between Members as to the possibility of saving the avenue of trees and planting additional trees. The Officer responded that it would be expensive to move the existing trees. Further enquiry would be made with the Applicant. The Officer agreed that something could be added to the landscaping element that could include tree planting and possibly transplanting existing trees.

The Chairman clarified with Members that an amendment to this effect should be included.

In response to a query raised by Members, the Principal Planning Officer confirmed that CCC Officers and planning teams had been consulted on the proposal to redirect the public footpath, and that the plans have been approved. The proposed design was the safest and best option available based on the advice and guidance given.

The Principal Planning Officer agreed with the Members to include in Section 106 agreement a provision which specified that no further building or development be permitted within the 50m extension strip. This strip is for biodiversity purposes only and no other use.

The Chairman clarified with Members that the recommendation is to approve the proposal.

A motion to approve the application subject to a S106 Agreement with conditions was proposed and seconded and a vote was taken and it was:

RESOLVED – That the application be approved subject to:

- a. A section 106 agreement (including Cumbria County as a signatory) to secure the following:

Biodiversity Net Gain

1) No development shall commence until a scheme demonstrating an associated minimum 10% biodiversity net gain (from the baseline conditions of the application site), either provided within the application site and/or incorporating the three off-site parcels of land referenced in the submitted Biodiversity Statement, has been submitted to, and approved in writing by, the local planning Authority. The biodiversity net gain shall be calculated using Natural England's Biodiversity Metric 3.0, or such other Metric as shall have been adopted in its place by the time the scheme is submitted. The scheme must include: (1) a timetable for implementing the proposals; and (2) proposals for the management in perpetuity of any areas contributing to the overall biodiversity net gain.

Construction of new roundabout and extension of the 30mph speed limit on Shap Road (A6)

2) No other development shall commence until: (1) the new roundabout access to the site (shown on approved drawing HT1324.1.101 P01, Revision E) has been completed in accordance with an agreement made with Cumbria County Council under s278 of the Highways Act; and (2) the 30mph speed limit on the A6 has been extended north of the new roundabout in accordance with a Traffic Regulation Order made by Cumbria County Council.

Travel Plan monitoring

- 3) A contribution of £6,600 to be paid by the developer to the local highway authority to fund the monitoring of the final Travel Plans;
 - b. And the following conditions (1-45):

Area of application site beyond the development boundary

4) The area of the application site north of the development boundary to be used for no purpose other than: (a) disposal of topsoil; (b) biodiversity net gain; and (c) landscape mitigation – all linked to, or required by, the approved development.

Condition (1):

Development on that part of the site identified as “the Full Application” on Proposed Site Layout, HT1324.1.101 P01, Revision E is hereinafter referred to as “the Full Permission”.

Development on that part of the site identified as the “Outline Planning Application all matters reserved” on Proposed Site Layout, HT1324.1.101 P01, Revision E is hereinafter referred to as “the Outline Permission”.

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

THE FULL PERMISSION**Condition (2):**

The development to which the Full Permission relates 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 (3):

The development to which the Full Permission relates shall be carried out in accordance with the following approved plans:

- SITE LOCATION PLAN, LAND AT SHAP ROAD, MEADOW BANK, SHAP ROAD, KENDAL, HT1324.1.100CB, Issue P01, Revision A, 10 December 2021
- PROPOSED SITE LAYOUT, HT1324.1.101 P01, Revision E, 13 January 2022
- PROPOSED KIA SHOWROOM, HT1324.1.102 P01, Revision F, 14 January 2022
- SHELTER BUILDINGS, HT1324.1.111 P01, Revision A, January 2022
- Kia Detailed Drainage Plan, HT1324.1.113 P05, P01, Revision B, January 2022
- Cut and Fill, HT1324.1.109 P01
- Landscape Masterplan 1100-2_700 Revision 7, May '22
- Construction Phasing Plan, January 2022

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

External materials**Condition (4):**

Unless agreed otherwise in writing by the local planning authority, the external walling and roofing materials for the buildings approved by the Full Permission shall be as specified in the application form and in the approved plans detailed above. Where relevant, the external walling and roofing materials are approved as a foundation for the green walls and roofs referred to further in condition 7 and indicated on approved drawings: (1) HT1324.1.102 P01, Revision F; (2) HT1324.1.111 P01, Revision A; and (3) Landscape Masterplan 1100-2_700 Revision 7.

Parking**Condition (5):**

The motor dealership approved in the Full Permission shall not commence trading until the parking shown on HT1324.1.102 P01, Revision F, including the 39 electric vehicle charging points, has been constructed and made available for use.

Reason: To ensure the timely provision of car parking in accordance with policy DM9 (Parking Provision, new and loss of car parks) of the South Lakeland Development Management Policies Development Plan Document.

Travel Plan

Condition (6):

Within 6 months of the development approved by the Full Planning Permission opening for business, a Travel Plan for the ongoing business shall be submitted to the local planning authority for its approval. The Travel Plan shall: (1) identify targets for a modal shift from the use of private cars to sustainable transport modes for those visiting the development; (2) set out measures to achieve those targets; and (3) include a timetable for implementation. The timetable must include provision for the submission of an annual written report to the local planning authority (for the agreed lifetime of the Travel plan) reviewing the effectiveness of the Travel Plan to date and setting out any necessary amendments to the prevailing measures in order to achieve the agreed targets. Thereafter, the Travel Plan shall be implemented in accordance with the agreed targets, prevailing measures and timetable. The prevailing measures shall be those set out initially or as may subsequently have been agreed in writing by the local planning authority following each annual review.

Reason: To encourage the use of more sustainable modes of transport.

Landscaping

Condition (7):

No development associated with the Full Permission shall commence until there has been submitted to, and approved in writing by, the local planning authority a detailed soft landscaping scheme based upon: (i) the principles established in the submitted Landscape Masterplan 1100-2_700 Revision 7; (ii) the green walls and roofs shown on drawings HT1324.1.102 P01, Revision F and HT1324.1.111 P01, Revision A; and (iii) mitigation / recommendations in section 7 of the submitted Ecological Appraisal (Report Reference 5220) produced by Envirotech Ecological Consultants and dated June 2019. 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) any essential external lighting; (v) an implementation timetable; and (vi) a schedule of landscape maintenance proposals for a period of not less than thirty years from the date of completion of the scheme. In combination with the details required by condition 25, the landscaping of the area north of the existing private road to Gilthwaiteirigg shown on the submitted Landscape Masterplan 1100-2_700 Revision 7 shall include at least an equivalent number of trees to replace those that ultimately need to be felled, including the transplanting of as many existing trees as is practicable. For the avoidance of doubt, the soft landscaping scheme for the Full Permission must include, as a minimum, the 17.5m wide belt of "New 'scrub' biodiversity planting" shown to the north of the new main estate road. 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 DM4 (Green and Blue Infrastructure, Open Space, Trees and Landscaping) of the South Lakeland Development Management Policies Development Plan Document.

Biodiversity**Condition (8):**

No development associated with the Full Permission shall commence until an ecological strategy document, prepared by a qualified ecologist, has been submitted to, and approved in writing by, the local planning authority. The document shall set out a strategy for the provision of biodiversity improvements within that part of the site covered by the Full Permission, reflecting the mitigation / recommendations in section 7 of the submitted Ecological Appraisal (Report Reference 5220) produced by Envirotech Ecological Consultants and dated June 2019 and incorporating the provision of five swift boxes in accordance with the submitted document entitled "SL/2019/0743: Statement re: habitat creation for Swifts (*Apus apus*)". The strategy must link to the detailed landscaping scheme required by condition 7 and must include a schedule of maintenance proposals for a period of not less than thirty years from the date of completion of the development. Thereafter, the improvements shall be implemented and maintained in accordance with the approved strategy.

Reason: To contribute towards the net gain in biodiversity required by: (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.

Tree Protection**Condition (9):**

No development associated with the Full Permission shall commence until there has been submitted to, and approved in writing by, the local planning authority a method statement detailing measures for the protection of: (1) the existing trees to be retained outside of, but abutting, the application site; and (2) all existing hedges to be retained on the boundary of the application site, all as marked on Landscape Masterplan, 1100-2_700, Revision 7. The method statement shall include both physical protection measures and a schedule of working practices. No development associated with the Full Permission shall commence until all approved physical protection measures have been put in place. Thereafter, the physical protection measures shall be retained for the duration of the construction phase of the development and all work shall proceed in accordance with the approved schedule of working practices.

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.

Land contamination**Condition (10):**

Once the construction of the development associated with the Full Permission is complete, the approved use shall not commence until a validation report and statement (in respect of land contamination) prepared by a competent person shall have been submitted to, and approved in writing by, the local planning authority. Referring to: (1) the Phase 1 Desk Study Report (October 2019); and (2) Phase 2 Interpretative Ground Investigation Report, Insight Geo (September 2019) submitted in support of this application, the validation report and statement shall detail all contamination found during the construction process and all necessary remediation undertaken.

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

Noise**Condition (11):**

For the development approved by the Full Permission, all vehicle repairs and servicing shall be carried out inside the buildings hereby approved and only within areas of the buildings constructed with the sound reduction indexes listed to in section 7.0 of the submitted Noise Assessment prepared by Martec Environmental Consultants Ltd., dated. 22 January 2020. All repairs and servicing shall be carried out with the roller shutter doors kept closed.

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

Condition (12):

Any extract / ventilation systems proposed for the motor dealership approved by the Full Permission shall be designed, installed and maintained not to exceed a noise level of 45 LAeq (free field) at the nearest residential properties, in accordance with section 7.0 of the submitted Noise Assessment prepared by Martec Environmental Consultants Ltd., dated. 22 January 2020.

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

Lighting**Condition (13):**

The motor dealership approved in the Full Permission shall not commence trading until an external lighting scheme for this phase of the development has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of: (1) the intensity of illumination; (2) predicted lighting contours; (3) proposed hours of illumination; and (4) the location and height of all lighting fixtures; and must be designed to ensure that no light is directly visible to users of the public highway. Thereafter, external illumination of the site shall operate in accordance with the approved scheme.

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

Flood risk

Condition (14):

No development associated with the Full Permission shall commence until a fully detailed surface water drainage scheme based on the Flood Risk and Drainage Strategy Report P21391 dated January 2022 and the Appendices attached thereto, has been submitted to, and approved in writing by, the local planning authority. The surface water drainage scheme must: (1) accord with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015), or any subsequent replacement national standards that are agreed in writing as an appropriate alternative by the local planning authority; and (2) must deliver the same treatment standard (as defined by The SuDS Manual Chapter 26) or better than that detailed in the Flood Risk and Drainage Strategy Report P21391 dated January 2022 and the Appendices attached thereto. The drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk and Drainage Strategy Report P21391 dated January 2022 proposing surface water discharging by infiltration via Sustainable Drainage techniques including green roofs and walls, rainwater harvesting, permeable surfacing wherever possible, grass filter strips, and swales. Mini infiltration basins are also an acceptable infiltration technique. The drainage scheme must also: (1) include full details of exceedance routes that minimise the risks to people and property resulting from excess rainfall; (2) be designed for ease of maintenance; (3) include full details of how the soakaways are connected / extended to the sub-soil / existing undisturbed ground where the infiltration testing has been undertaken; (4) include full details of the platform / earthworks construction materials and techniques to facilitate vertical infiltration through the interface with the existing ground to the infiltration level; and (5) include full details of the cut-off drains / swales at the base of the embankments with drainage destination to prevent surface water flow affecting neighbouring sites.

The development shall be completed, 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 (15):

No development associated with the Full Permission shall commence until a scheme for the ongoing maintenance of the proposed surface drainage system for that phase of the development has been submitted to, and approved in writing by, the local planning authority. Thereafter, the associated surface drainage system shall be maintained in accordance with the approved scheme for the lifetime of the development.

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

Condition (16):

No development associated with the Full Permission shall commence until a construction surface water management plan for that phase of the development has been submitted to, and agreed in writing by, the local planning authority. Thereafter, the plan shall be adhered to for the duration of the associated construction works.

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 (17):

The motor dealership approved in the Full Permission shall not commence trading until a surface water validation report has been submitted to, and approved in writing by, the local planning authority. The purpose of the validation report is to demonstrate that the associated surface water drainage scheme and exceedance routes have all been constructed and installed in accordance with the details approved in accordance with the relevant conditions in this permission and are operational.

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.

THE OUTLINE PERMISSION**Condition (18):**

For the Outline Permission, approval of access (save for the agreed point of access to the County Road), details of the scale, layout and appearance of the building(s), and the landscaping of the site (hereinafter called the Reserved Matters) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To ensure a satisfactory standard of development on site.

Condition (19):

The development subject to the Outline Permission must be begun not later than whichever is the later of the following dates:

- a. FIVE YEARS from the date of this permission; or
- b. the expiration of TWO YEARS from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Application for the approval of the reserved matters must be made not later than THREE years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

Condition (20):

The development subject to the Outline Permission shall be carried out in accordance with the following approved plans (insofar as they relate to matters not reserved for further approval by condition 18):

- SITE LOCATION PLAN, LAND AT SHAP ROAD, MEADOW BANK, SHAP ROAD, KENDAL, HT1324.1.100CB, Issue P01, Revision A, 10 December 2021
- PROPOSED SITE LAYOUT, HT1324.1.101 P01, Revision E, 13 January 2022
- Proposed Emergency Vehicle Access (EVA) HT1324.1.EVA P01 12 May 2022
- Landscape Masterplan 1100-2_700 Revision 7, May '22

Nothing on these drawings shall be interpreted as having fixed the site levels for any part of the development subject to the Outline Permission. Site levels remain to be agreed in association with the Reserved Matters referred to in condition 18 and the detailed surface water drainage scheme required by condition 30.

Reason:

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

Condition (21):

The development subject to the Outline Permission is limited to a maximum gross internal area of 6,400 sq. m. of B1/B2 floor space and 2,500 sq. m. of B2 floor space, all as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended). Reason: These are the assumed floor space figures used in the technical assessments submitted in support of the proposal.

Parking**Condition (22):**

The layout details required by condition 18 shall include details of the parking to be provided for each separate Class B1, B2 and B8 unit hereby permitted. The parking must achieve the standards in the current Cumbria Development Design Guide (or such equivalent replacement guidance) unless supported by evidence supporting a different level of provision. All parking spaces with electric vehicle (EV) charging points must be clearly marked. The number of EV charging points must be consistent with the requirements of the development plan, or where the development plan is silent, must accord with accepted best practice.

Reason: To ensure the timely provision of car parking in accordance with policy DM9 (Parking Provision, new and loss of car parks) of the South Lakeland Development Management Policies Development Plan Document.

Emergency Vehicle Access**Condition (23):**

No individual building approved by the Outline Permission shall be first occupied until the emergency vehicle access shown on drawing HT1324.1.EVA P01 has been completed and made available for use in accordance with a detailed specification that shall first have been submitted to, and agreed in writing by, the local planning authority.

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) policy DM1 (General Requirements for all development) of the South Lakeland Development Management Policies Development Plan Document.

Travel plan**Condition (24):**

Within 6 months of the first occupation of each separate unit approved by the Outline Permission, or in accordance with such other timeframe as has been previously agreed in writing by the local planning authority, a Travel Plan for the respective unit shall be submitted to, and approved in writing by, the local planning authority. The Travel Plan shall: (1) identify targets for a modal shift from the use of private cars to sustainable transport modes for those visiting the unit; (2) set out measures to achieve those targets; and (3) include a timetable for implementation. The timetable must include provision for the submission of an annual written report to the local planning authority (for the agreed lifetime of the Travel plan) reviewing the effectiveness of the Travel Plan to date and setting out any necessary amendments to the prevailing measures in order to achieve the agreed targets. Thereafter, the Travel Plan shall be implemented in accordance with the agreed targets, prevailing measures and timetable. The prevailing measures shall be those set out initially or as may subsequently have been agreed in writing by the local planning authority following each annual review.

Reason:

To encourage the use of more sustainable modes of transport.

Landscaping**Condition (25):**

The landscaping details required by condition 18 shall include a detailed soft landscaping scheme based upon: (i) the principles established in the submitted Landscape Masterplan, 1100-2_700, Revision 7; and (ii) mitigation / recommendations in section 7 of the submitted Ecological Appraisal (Report Reference 5220) produced by Envirotech Ecological Consultants and dated June 2019. The scheme shall incorporate green walls and green roofs where it is practicable to do so. 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) any essential external lighting; (v) an implementation timetable; and (vi) a schedule of landscape maintenance proposals for a period of not less than thirty years from the date of completion of the scheme. . In combination with the details required by condition 7, the landscaping of the area north of the existing private road to Gilthwaiterigg shown on the submitted Landscape Masterplan 1100-2_700 Revision 7 shall include at least an equivalent number of trees to replace those that ultimately need to be felled, including the transplanting of as many existing trees as is practicable. For the avoidance of doubt, the soft landscaping scheme for the Outline Permission must include, as a minimum, the 32.5m wide belt of "Extended 'scrub' planting as requested by Skelsmergh & Scalthwaiterigg PC" shown to the north of the new main estate road. 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 DM4 (Green and Blue Infrastructure, Open Space, Trees and Landscaping) of the South Lakeland Development Management Policies Development Plan Document.

Tree Protection**Condition (26):**

No development associated with the Outline Permission shall commence until there has been submitted to, and approved in writing by, the local planning authority a method statement detailing measures for the protection of: (1) the existing trees outside of, but abutting, the application site; and (2) all existing hedges to be retained on the boundary of the application site, all as marked on Landscape Masterplan, 1100-2_700, Revision 7. The method statement shall include both physical protection measures and a schedule of working practices. No development associated with the Outline Permission shall commence until all approved physical protection measures have been put in place. Thereafter, the physical protection measures shall be retained for the duration of the construction phase of the development and all work shall proceed in accordance with the approved schedule of working practices.

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 (27):**

No development associated with the Outline Permission shall commence until there has been submitted to, and approved in writing by, the local planning authority an ecological strategy document, prepared by a qualified ecologist. The document shall set out a strategy for the provision of biodiversity improvements within that part of the site covered by the Outline Permission, reflecting the mitigation / recommendations in section 7 of the submitted Ecological Appraisal (Report Reference 5220) produced by Envirotech Ecological Consultants and dated June 2019. The strategy must link to the landscaping of the site required by condition 18 and must include a schedule of maintenance proposals for a period of not less than thirty years from the date of completion of the development. Thereafter, the improvements shall be implemented and maintained in accordance with the approved strategy.

Reason: To contribute towards the net gain in biodiversity required by: (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.

Land Contamination**Condition (28):**

Once the construction of any individual building associated with the Outline Permission is complete, that individual building shall not be first occupied until a validation report and statement (in respect of land contamination) prepared by a competent person shall have been submitted to, and approved in writing by, the local planning authority. Referring to: (1) the Phase 1 Desk Study Report (October 2019); and (2) Phase 2 Interpretative Ground Investigation Report, Insight Geo (September 2019) submitted in support of this application, the validation report and statement shall detail all contamination found during the construction process and all necessary remediation undertaken.

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

Noise**Condition (29):**

The details required by condition 18 shall incorporate measures within the design of each building approved by the Outline permission to minimise the propagation of noise to the lowest practicable level relative to the existing noise climate as established by an associated baseline survey undertaken in accordance with BS4142.

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

Lighting**Condition (30):**

The details relating to the layout and appearance of the building(s), and the landscaping of the site required by condition 18 shall include an external lighting scheme. The scheme must include details of: (1) the location and height of all lighting fixtures; (2) the intensity of illumination; (3) predicted lighting contours; and (4) proposed hours of illumination; and must be designed to ensure that no light is directly visible to users of the adopted highway. Thereafter, external illumination of the site subject to the Outline Permission shall operate in accordance with the approved scheme.

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

Flood Risk**Condition (31):**

No development associated with the Outline Permission shall commence until a fully detailed surface water drainage scheme based on the Flood Risk and Drainage Strategy Report P21391 dated January 2022 and the Appendices attached thereto, has been submitted to, and approved in writing by, the local planning authority.

The surface water drainage scheme must: (1) accord with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015), or any subsequent replacement national standards that are agreed in writing as an appropriate alternative by the local planning authority; and (2) must deliver the same treatment standard (as defined by The SuDS Manual Chapter 26) or better than that detailed in the Flood Risk and Drainage Strategy Report P21391 dated January 2022 and the Appendices attached thereto.

The drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk and Drainage Strategy Report P21391 dated January 2022 proposing surface water discharging by infiltration via Sustainable Drainage techniques including green roofs and walls, rainwater harvesting, permeable surfacing wherever possible, grass filter strips, and swales. Mini infiltration basins are also an acceptable infiltration technique. The drainage scheme must also: (1) include full details of exceedance routes that minimise the risks to people and property resulting from excess rainfall; (2) be designed for ease of maintenance; (3) include full details of how the soakaways are connected / extended to the sub-soil / existing undisturbed ground where the infiltration testing has been undertaken; (4) include full details of the platform / earthworks construction materials and techniques to facilitate vertical infiltration through the interface with the existing ground to the infiltration level; and (5) include full details of the cut-off drains / swales at the base of the embankments with drainage destination to prevent surface water flow affecting neighbouring sites.

The development shall be completed, 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 (32):

No development associated with the Outline Permission shall commence until a scheme for the ongoing maintenance of the proposed surface drainage system for that phase of the development has been submitted to, and approved in writing by, the local planning authority. Thereafter, the associated surface drainage system shall be maintained in accordance with the approved scheme for the lifetime of the development.

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

Condition (33):

No development associated with the Outline Permission shall commence until a construction surface water management plan for that phase of the development has been submitted to, and agreed in writing by, the local planning authority. Thereafter, the plan shall be adhered to for the duration of the associated construction works.

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 (34):

No individual building approved by the Outline Permission shall be first occupied until a surface water validation report has been submitted to, and approved in writing by, the local planning authority. The purpose of the validation report is to demonstrate that the surface water drainage scheme and exceedance routes serving that building have all been constructed and installed in accordance with the details approved in accordance with the relevant conditions in this permission and are operational.

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.

THE DEVELOPMENT AS A WHOLE

Highways

Condition (35):

No other development shall commence until the estate road connecting the new roundabout on the A6 with the north-west boundary of the site (shown within the extent of the Full Application on approved drawing HT1324.1.101 P01, Revision E) has been completed and made operational in accordance with a specification that shall first have been submitted to, and approved in writing by, the local planning authority. The specification should meet the standards for adoption set out in Cumbria Development Design Guide and must make specific provision for: (1) use by public transport; (2) cycle and pedestrian links to the A6; (3) ramps on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines; (4) the accommodation of all services necessary to support the development as a whole (including the development approved by the Outline Permission); and (5) a timetable for completion. None of the uses approved by this permission shall commence until: (a) construction of the estate road has progressed to the point where it has been defined by kerbs and sub base construction; and (b) the individual access(es) serving that building from the estate road have been completed to a specification that shall also have been submitted to, and approved in writing by, the local planning authority. Thereafter, the estate road shall be completed to the agreed timetable.

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) policy DM1 (General Requirements for all development) of the South Lakeland Development Management Policies Development Plan Document.

Condition (36):

None of the uses approved by this permission shall commence until a new shared footway/cycleway along the A6 has been constructed and made available for use in accordance with a specification that shall first have been submitted to, and approved in writing by, the local planning authority. The new shared footway/cycleway shall connect the entrance of the application site to the existing shared footway/cycleway that currently terminates on the east side of the A6 at the entrance of Kendal Rugby Club and shall include a crossing of the A6 meeting the necessary safety standards.

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) policy DM1 (General Requirements for all development) of the South Lakeland Development Management Policies Development Plan Document.

Condition (37):

Access gates, if provided, shall be hung to open inwards only away from the adopted highway, and be recessed no less than 4.5m as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

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) policy DM1 (General Requirements for all development) of the South Lakeland Development Management Policies Development Plan Document.

Foul Drainage**Condition (38):**

All foul water from the buildings hereby approved shall be disposed of via a public sewer. None of the individual buildings hereby approved shall be first occupied until it has been operationally connected to a public foul sewer.

Reason:

To safeguard the amenity of the area in accordance with policy DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

Construction Environment Management Plan**Condition (39):**

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 shall provide for:

- details of the proposed crossings of the highway verge;
- defined areas for the parking of vehicles of site operatives and visitors;
- defined areas for loading and unloading of plant and materials;
- defined areas for storage of plant and materials;
- measures to control the emission of dust and dirt during construction, incorporating the recommendations for site-specific mitigation in section 5.1.14 of the Air Quality Assessment prepared by Wardell Armstrong (March 2020) submitted in support of this planning application;
- no burning of waste material to take place;
- measures to: (a) avoid excess dirt on the public highway including wheel washing facilities; and (b) clean the public highway as necessary
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- a scheme for recycling / disposing of waste resulting from excavations;
- measures to control noise and vibration from plant, equipment and procedures – this to include any rock pecking and excavations;
- construction site lighting designed to negate light spillage from the site boundary.

Thereafter, development shall proceed in accordance with the agreed CEMP.

Reason:

To safeguard the amenity of the area in accordance with policy DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

Construction Management (Ecology)**Condition (40):**

In order to mitigate the potential impacts on protected species that might enter the application site during the construction stage of the development, the following working practices must be adhered to:

- The storage of all loose materials must be palletised or similar so they are off the ground whenever possible.
- Should any trenches and excavations be required, an escape route for animals that enter the trench must be provided, especially if left open overnight. Ramps should be no greater than of 45 degrees in angle. Ideally, any holes should be securely covered. This will ensure amphibians are not trapped during work.
- All excavations left open overnight or longer should be checked for animals prior to the continuation of works or infilling. Back filling should be completed immediately after any excavations, ideally back filling as an on-going process to the work in hand.
- Any vegetation to be trimmed or cleared should be checked for nesting birds before it is removed. Ideally this should occur outside the bird nesting period March-September. If vegetation clearance is to occur in the March-September period a check for nesting birds should be conducted first by a suitably qualified individual.

Reason:

To mitigate the potential impacts on protected species in accordance with policy CS8.4 (Biodiversity and geodiversity) of the South Lakeland Core Strategy.

Broadband**Condition (41):**

None of the units hereby approved shall be first occupied until connected to high speed broadband.

Reason:

To meet the expectations of policy DM8 (High Speed Broadband for New Developments) of the South Lakeland Development Management Policies Development Plan Document.

BREEAM**Condition (42):**

The showroom subject to the Full Permission (PROPOSED KIA SHOWROOM, drawing no. HT1324.1.102 P01, Revision F) and any building constructed pursuant to the Outline Permission which has a gross internal floor area greater than 1,000 sq. m. must achieve the BREEAM 'excellent' standard.

Reason:

To meet the expectations of policy CS8.7 (Sustainable construction, energy efficiency and renewable energy) of the South Lakeland Core Strategy.

Land contamination**Condition (43):**

If during the course of development any unexpected contamination is found to be present, development shall immediately cease. Thereafter, development shall only recommence in accordance with a method statement detailing the nature and degree of the contamination and the techniques proposed to remove it. The method statement must be prepared by a suitably qualified independent consultant and must first have been submitted to, and approved in writing by the local planning authority.

Reason:

To safeguard the amenity of the area in accordance with policy DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

Construction hours**Condition (44)**

Construction work shall be limited to and never on Bank Holidays nor otherwise outside the hours of 0800 – 1800 Monday to Friday or 0900 – 1300 on Saturdays.

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.

Topsoil disposal**Condition (45):**

The area of the application site north of the existing private road to Gilthwaiterigg shall only be used for the disposal of topsoil generated by the construction phase of the development hereby approved and for any associated proposals for landscape mitigation and/or biodiversity net gain. Topsoil disposal shall proceed in accordance with a specification that shall first have been submitted to, and approved in writing by, the local planning authority. The specification shall define the physical extent and overall profile of disposal.

No use approved by either the Full Permission or the Outline Permission shall commence until any associated landscape mitigation and/or biodiversity net gain provisions proposed within the area of topsoil disposal have been completed in accordance with the details approved in compliance with conditions 7, 8 and 26 as appropriate. Thereafter, any completed landscape mitigation and/or biodiversity net gain provisions shall be safeguarded from further phases of topsoil disposal by the implementation of protection measures in accordance with details that shall first have been submitted to, and approved in writing by, the local planning authority.

Reason:

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

Separate approval and consideration was prompted by the Principal Planning Officer for the footpath diversions under section 257 of the Town and Country Planning Act. Members were reminded that this would be the final decision to be made for this aspect of the proposal.

A motion to agree the making of an order under section 257 of the Town and Country Planning Act to divert the public footpaths was proposed and seconded and a vote taken and it was

RESOLVED – that

The Committee authorises: (1) the making of the order necessary under section 257 of the Town and Country Planning Act to permit the consequential diversions of footpaths no. 536002 and 570013 shown on drawing no.HT1324.1.REV C and; (2) confirmation of such an order subject to no unresolved objections.

Note: Members requested a break at 11:26am and the meeting was adjourned. The meeting reconvened at 11:35am.

P/8

PLANNING APPLICATION NO. SL/2022/0160 POST OFFICE, MAIN STREET, GREENODD, ULVERSTON, LA12 7RB

Change of Use from a Post Office, shop & dwellinghouse (Use class E) to dwellinghouse (Use class C3).

Note – All Members of the Planning Committee raised a non-pecuniary interest for transparency, by virtue of the fact that the Applicant was known to them and was a Councillor at South Lakeland District Council. All Members confirmed that they were not predetermined on this item and remained in the meeting during discussion and voting on the item.

The Planning Officer presented the report to Members. The proposal was described as an application for change of use from a Post Office, shop and dwellinghouse (Use Class E) to dwellinghouse (Use Class C3) at Main Street, Greenodd, Ulverston, LA12 7RB.

A site description was provided along with slides of photographs and a site location plan. A slide listing key issues with the changes were presented, the principle issue being the loss of community facility. The viability of the shop is not sustainable, no profit had been made. Passing trade had reduced significantly and the site was located on a one way street.

The application was presented to Planning Committee due to the Applicant being a South Lakeland District Council Councillor.

Members were updated on the recent development that the Post Office Outreach Service had been relocated to the village hall on a part time service basis since the publication of the report.

The Planning Officer relayed the fact that the Post Office support had been streamlined in recent years with its' being service reduced and the shop had continued to provide support to the local community. Members discussed whether the facilities offered by the Post Office could be provided elsewhere and they were advised by the Planning Officer that there were other local businesses providing essential produce And that a newsagents in Ulverston was prepared to deliver to the village.

The Planning Officer described how no alterations internally or externally were planned in the proposals and explained that there would be no impact to the street scene other than a reduction in traffic and more parking..

Speaker – Councillor Janet Willis – Applicant, spoke in support of the Application.

In response to a query regarding the original use of the property, the Planning Officer noted that they did not know the planning history of the property and when it had been converted to a business.

A motion to approve the Application was proposed and seconded and a vote was taken and it was

RESOLVED – That the application be approved subject to:

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, received 21 February 2022
- Ground Floor Plan, received 21 February 2022
- Lower Ground Floor Plan, received 21 February 2022
- First Floor Plan, received 21 February 2022
- Second Floor Plan, received 21 February 2022
- Garden Plan, received 21 February 2022
- Existing/proposed elevations (no changes), received 28 March 2022

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

P/9

PLANNING APPLICATION NO. SL/2021/0162 LAND AT VIVER GREEN, VIVER LANE, HINCASTER, MILNTHORPE, LA7 7NA

Variation of condition 1 (Approved plans) attached to planning permission SL/2015/0497 (20 dwellings, associated access road, landscaping and parking provision for Hincaster Trailway).

The Planning Officer presented the report to Members. The proposal was described as a variation of condition 1 (Approved plans) attached to planning permission SL/2015/0497 (20 dwellings, associated access road, landscaping and parking provision for Hincaster Trailway).

A variation, and revocation if so required, to a S106 agreement and deed of variation relating to affordable housing was approved by Members at the March 2022 Committee. At that Committee, it had been agreed with Members that the S73 Application would be presented to Committee.

The Planning Officer outlined the proposal as variation to three plots 13, 15 and 16 and proposed to increase the ridge height of these dwellings by 0.45 meters.

The Planning Officer provided the history of the plot where the previous developer went out of business, the Section 106 modification discussed in the last meeting was relayed to Members. The modifications to the three plots were explained with diagrams on slides. The impact to the street scene was discussed and the aerial surround of the site reviewed with front and rear elevations being displayed. The proposed changes to the ridge height was explained using diagrams and the impact on neighbouring properties was described as minimal.

Speaker: Paul Tunstall – Planning Agent, spoke in support of the application.

Members queried the roof colour changes in the slides. The previous design was noted to have a different colour roofing material to the proposed change image. The Chairman allowed the speaker to clarify the reason for the Members' benefit. The Speaker confirmed that all materials will remain the same, the design illustration was purely providing comparison on like for like basis.

A Member enquired about the contribution towards the affordable homes element by the developer. The Officer advised that this was not a material consideration for this Application.

The Chairman acknowledged that whilst it may not be a material planning consideration he asked if the Principal Planning Officer could check and provide a written response to the Member with an update on the contribution towards the affordable homes element agreed by the previous developer.

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

RESOLVED: That the application be approved subject to the following:

Condition (1):

The development hereby permitted shall be carried out in accordance with the following approved plans:- 9867/3/12/Rev B Location Plan; 9867/3/1/ Rev G Site Layout Plan; E1815.03A Site Survey; 9867/3/2 House Type H1; 9867/3/3 Rev A House Type H2; 9867/3/4, House Type H3; 9867/3/4 Rev P00, House Type H4; 9867/3/6 Rev A House Type H5; 9867/3/8 Rev A, House Type H6; 9867/3/8 Rev P00, House Types H4 ABC; 9867/3/15. Site Sections AA and BB; 9867/3/16. Street Elevation; 9867/3/17. Visibility splay plan; 139.700 Street Scene. 139.200

Rev I Landscape Strategy Drawing; 139.300 Rev D Structural Landscaping Plan; 139.400 Rev B Boundary Treatments; 139.501 Rev C Hard Landscaping 1; 139.502 Rev C Hard Landscaping 2; 139.503 Rev A Entrance Feature Detail; 139.601 Soft Landscaping 1; 139.602 Soft Landscaping 2; 139.603 Soft Landscaping 3; 139.604 Soft Landscaping 4; 139.605 Soft Landscaping 5; and
Arboricultural Method Statement (Rachel Atkinson).

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

Condition (2):

The development shall be carried out in accordance with the approved Landscape Strategy Drawing No 139.200. Rev I and approved Arboricultural Method Statement (Rachel Atkinson).

Reason: To safeguard and enhance the character of the area and secure high quality landscaping in accordance with Policy DM4 of the Councils Development Management Policies.

Condition (3):

a) No superstructure shall be erected until samples and details of all the materials to be used in the construction of the 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 DM4 of the Councils Development Management Policies.

Condition (4):

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development of the type described in Class A - gates, fences, walls etc, Part 2 Minor Operations of Schedule 2 of that Order shall be undertaken without the express permission of the Local Planning Authority.

Reason: The dwellings and their garden areas have been designed to minimize their impact on landscape / settlement character in accordance with Policy CS8.2 of the South Lakeland Core Strategy, and the local planning authority wish to retain control over gates walls and fences.

P/10

PLANNING PERFORMANCE AND APPEALS UPDATE

The Principal Planning Officer presented the Planning Applications Performance Figures report to Members. The recommendation and consideration for Members was to note the contents of the report.

Providing the planning application performance figures supports the governance arrangements which underpin the Council's decision making.

The Principal Planning Officer requested Members to consider an update on performance measures and recent appeals as at 30 April 2022. The Officer stated that the Team had recently undertaken a 'bit of a purge' on applications where they were unable to find solutions with Applicants, these Applications have been refused. The Officer explained that this has influenced the figures.

The Chairman requested Members to note the contents of the report and attached appendices.

Members agreed that the reports were very comprehensive. Members thanked the Senior Officer for data being presented consistently in an easily understandable way.

A motion to note the contents of the report was proposed and seconded and a vote taken and it was

RESOLVED: That the report and attached appendices were noted.

P/11 PRESS AND PUBLIC

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

P/12 A REPORT ON MONTHLY ENFORCEMENT ACTIVITY

- *Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)*
- *Paragraph 4 - Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority.*
- *Paragraph 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*

Members considered a confidential update on planning enforcement activity between 1 January 2022 and 30 April 2022 and noted its contents.

Members proposed to return to Part I for the benefit of the Minutes in order to record feedback from the Principal Planning Officer with regards to Holme House as set out within the Appendix to the report. The proposal was seconded and it was

P/13 RE-ADMISSION OF PRESS AND PUBLIC

RESOLVED – That the press and public be re-admitted to the meeting.

P/14 A REPORT ON MONTHLY ENFORCEMENT ACTIVITY

Members enquired what the appeal actually delivered in terms of the size of floor space for each of the five dwellings. Members wanted to know what the changes were and if the decision was upheld. The Officer responded to confirm that the appeal was allowed and that it won on all the substantive points.

P/15 PRESS AND PUBLIC

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

P/16**A REPORT ON MONTHLY ENFORCEMENT ACTIVITY**

- *Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)*
- *Paragraph 4 - Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority.*
- *Paragraph 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*

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

The meeting ended at 12.30 p.m.