

WESTMORLAND AND FURNESS COUNCIL STRATEGIC PLANNING
COMMITTEE

Minutes of a Meeting of the **Strategic Planning Committee** held on Thursday, 11 January 2024 at 10.00 am at District Council Chamber, Kendal Town Hall, Lowther Street, Kendal, LA9 4DQ

PRESENT:

Cllr R Audland
Cllr L Baker
Cllr H Carrick
Cllr F Cassidy
Cllr P Dixon (Chair)
Cllr B McEwan
Cllr D Rathbone
Cllr G Simpkins (Vice-Chair)

Officers in attendance:

Ms L Arnold	Senior Specialist - Development Management
Mr I Blinkho	Solicitor
Mrs J Currie	Democratic Services
Mr N Howard	Interim Head of Development Management

Others in attendance

Mr C Allen	For Item 7
Cllr H Chaffey	For Item 7
Mr M Cropper	For Item 8
Mr S Hurst	For Item 7
Mr G Love	For Item 7
Mr B Sherrington	For Item 7

**PART I ITEMS CONSIDERED IN THE PRESENCE OF THE
PUBLIC AND PRESS**

23. APOLOGIES FOR ABSENCE

An apology for absence was received from Cllr Clark.

24. MEMBERSHIP

Cllr Rathbone was in attendance as a substitute for Cllr Clark for this meeting only.

25. DECLARATIONS OF INTEREST/DISPENSATION

There were no declarations of interest made on this occasion.

26. EXCLUSION OF PRESS AND PUBLIC

RESOLVED, that the press and public be not excluded during discussion of any items on the agenda today.

27. MINUTES OF THE PREVIOUS MEETING

RESOLVED, that the minutes of the previous meeting held on 19 September 2023 be agreed with the following amendments:

On Minute No 21 – SL/2022/0921 – Erection of 24 Dwellings Brigsteer Road (Phase 3) Kendal in the 12th paragraph remove the word participation so it now reads ‘thanked all the public for their contribution.....’

On the same minute in paragraph 20 add in the number of the phase referred to in the final sentence so it now reads ‘progressing a scheme for Phase 4 of the allocation....’

28. PUBLIC PARTICIPATION

The Chair announced that those that had registered to make representations would be invited to address the Committee at the appropriate point in the meeting.

29. APPLICATION NO SL2022/0305 - LAND ADJACENT TO BEETHAM ROAD, MILNTHORPE

Members considered a Planning Application for the erection of 111 houses, 6 bungalows and 8 apartments with associated roads, car parking, landscaping, infrastructure and access from Beetham Road, Land off Beetham Road, Milnthorpe.

The Development Control Manager gave members a detailed presentation and tabled an update report, which informed them that officers had now received an updated Tree Survey Report, which included at Appendix E a Tree Protection Method Statement.

The Council’s arboriculturist had confirmed that provided development proceeded in accordance with this Statement the retained trees and hedges on the site should be suitably protected from development activity. Therefore, it was recommended that condition 9 be updated accordingly to read as follows:

Condition (9): No development other than approved works to retained trees and hedges shall commence until tree and hedge protection measures have been installed in accordance with the provisions of Appendix E of the submitted Tree Survey Report prepared by PDP Associates, updated January 2024. Development in this context includes the introduction of any machinery or material to site. Thereafter, the installed measures must be retained for the duration of the construction phase of the development.

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.

The Development Control Manager presentation was detailed and covered:-

- Principles of Development
- Impact on the character and appearance of the area
- Impact on biodiversity, and
- Access and flooding
- Impact on neighbouring residents

The Development Control Manager then discussed the representations and the objections made to this application.

There had been a total of 66 representations since this application was first registered, 48 explicitly badged (or taken to be) objections and 18 explicitly badged (or taken to be) observations. Some individuals had written in several times in response to the various iterations of the proposals.

The Development Manager outlined the main areas of concerns raised.

The application site did deviate from the allocation boundary in places, excluding high ground in the north-east and including a compensatory area in the south-east, which was contrary to the development strategy of the development plan, but having assessed the changes against relevant policies and other material considerations, the impacts were considered to be negligible and the proposal was judged to be in accordance with the development plan as a whole.

However, given that the excluded part of the allocation still enjoyed a presumption in favour of development, it was considered necessary to negate this via a planning obligation in order to fully justify the breach of the development boundary proposed in this case.

The application contributed less than 35% affordable housing, but the applicants had submitted a viability assessment to justify their position. This had been independently scrutinised and found to be sound. Therefore, a lower contribution of affordable housing was considered acceptable in this case.

Consultation responses demonstrated that existing infrastructure either had adequate capacity to deal with the demands of the development, or, as in the case of health care provision, could be made so by drawing upon the Community Infrastructure Levy (CIL). United Utilities had stated that it had “no concerns in relation to the impact of the development on the wastewater treatment works”. A scheme for dealing with surface water had been agreed in principle with the lead local flood authority.

A new road junction would be created onto the A6, which would include a right-hand turn lane and an extension of the 30mph speed limit. Two additional emergency vehicle accesses were also proposed, which could also function as additional pedestrian/cycle connections. These measures could be controlled by conditions and the local highway authority considered the proposal acceptable.

The Planning Officer was recommending that planning permission be approved subject to conditions and a Section 106 agreement as set out in the report..

The Chair opened the meeting to public participation, and Mr Sherrington was invited to speak.

He addressed the planning committee as a supporter of the development, but wished to bring to the attention of the Committee the potential of improving traffic and road safety for new and current occupants of Milnthorpe. Specifically:

- The chance to improve street lighting, pedestrian safety and traffic calming measures.

The Chair thanked Mr Sherrington for his presentation.

He then invited Mr Steve Hurst, Chairman of Milnthorpe Parish Council to speak. He raised three concerns with this proposal:

- To make sure there is enough accommodation for young and old alike (Milnthorpe residents).
- ALL houses and accommodation to be in keeping with the rest of the village.
- The development CANNOT become a rat run from the A6 through to the church area and Main Street.

Next to speak was Mr Graham Love on behalf of the applicant. He was speaking in support of the application and wanted to address the committee on the following matters:

- Heritage
- Affordable housing
- Traffic and transport
- Drainage
- Infrastructure
- Design

The Chair then invited Craig Allen to speak on behalf of the residents. He raised the issue of sewage and surface water generated by the proposed development. Specifically:-

- The capacity of the United Utilities water treatment plant at Milnthorpe to process the extra volume of sewage generated by this development without increasing the number and volume of discharges from the storm drains into the River Bela.
- The appropriateness of directing excess exceedance water from the north and central sections of the site into the streets of the adjacent established properties.

The final speaker was one of the local ward councillors. The Chair invited Cllr Chaffey to address the committee.

Cllr Chaffey wanted the opportunity to make her own observations in relation to the various concerns raised by residents. The issues raised by Cllr Chaffey included:

- Proposed housing mix in relation to local housing needs
- Proposed management and control of sewage and surface water
- Proposed traffic management and where the 30 mph starts
- Infrastructure concerns, in particular the surgery

The meeting adjourned at 11.55am and reconvened at 12.05pm.

The Chair then opened the meeting up to debate.

Members had a long debate about this application in which some concerns were raised. At the end of the debate it was proposed from the floor that this application be deferred to allow for further consideration of the following:

- The invasive views of some of properties in particular:-

Plot 1 and Sunny Brae
Plot 13 and Lane Edge
Plots affecting Hartland House
Plots 87-89 and 19 Firs Close
Plot 101 and 17 Firs Close

- Sewage and Surface Water – members asked for more information and reassurances from United Utilities that the drainage and sewage systems would be able to cope with the increased demand, as the local feedback/knowledge was that the water quality in the River Bela was already poor and that the proposal could lead to increased risk of flooding.
- Housing Mix – Members felt that the housing mix should be reviewed.

- Affordable Housing – members wanted the provision of affordable homes looked at again as they did not think 19 was sufficient given the number of properties planned.
- Proposals for access to highways – Members requested that an elliptical arrangement be considered for the access to the site.

The proposal from the floor to defer the application for reconsideration of the above matters was then put to a vote, which was unanimous.

RESOLVED, that the application be deferred.

The meeting then adjourned at 12.40pm and reconvened at 12.45pm.

30. APPLICATION SL/2022/1159 - FIELDS TO THE NORTH JAMES CROPPER PLC & WEST OF GARNETT BRIDGE ROAD, BURNESIDE, KENDAL, LA9 6PZ

Members had before them a Planning Application for the installation of a ground mounted 3MW solar photovoltaic array with associated infrastructure and landscaping at fields to the North James Cropper PLC & west of Garnett Bridge Road, Burneside, Kendal.

The proposal would utilise the existing vehicle track associated with the former tip and incorporated landscape planting. This planting would provide biodiversity enhancements as well as mitigate views of the proposal from the surrounding area.

The Planning Officer took members through the report in detail and gave a presentation. She also tabled an update report which contained a number of amendments in relation to the pre commencement conditions.

The original recommendation subject to conditions, included a number of pre-commencement conditions, which needed to be accepted by the applicant. On 8 January the agent advised that the applicant had concerns over the wording of conditions 5, 6, 7, 9, 10 and 11. With regard to condition 10 this was a minor reordering of the text and an increase of time for the installation from 25 years to 40 years and condition 11 replaced the word 'farm' with 'array'. These changes were agreed.

With regard to conditions 5, 6, 7 and 9, these had been included for the submission of details prior to the commencement of development, which the agent rejected. The agent proposed alternate wording, with a change in the timescale for submission of the details.

Following due consideration of their suggestions the Council's response and proposed amendments to the conditions set out in their report were included in the update sheet presented to the Committee, and these would be published on the website.

Members noted the proposed amendments.

The Planning Officer then took members through the rest of the report, and highlighted:

- Principles of the development
- Impact of the character and appearance
- Impact of biodiversity and
- Access and flooding

The officer also detailed the responses to consultation and representations from neighbours and other third parties.

In summary, the Planning Officer recommended that planning permission be granted subject to the amended conditions.

With no questions for clarification from members the Chair opened the meeting to public participation.

The Chair invited Mr Mark Cropper from James Cropper Ltd to speak in support of the application. He made the following points:

- He supports the officer recommendation to permit the application.
- Benefits of the proposal in diversifying the energy supply for Croppers Paper Mill and assist with their ambition to achieve carbon neutrality by 2030.
- Overview of the proposed development, including mitigation measures
- Summary of planning policy position offering support for renewable energy development (reference to adopted development plan policies and the National Planning Policy Framework)
- Details of how site-specific considerations have been addressed within supporting documentation and mitigated where relevant (and controlled by condition) to deliver an acceptable proposal.

The Chair thanked Mr Cropper for his presentation.

With no questions from members the officer's recommendations with the revised conditions as shown on the update were moved, seconded and put to a unanimous vote.

RESOLVED, that the planning application be **GRANTED** subject to the approved conditions.

Time Limit for Commencement

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. The development hereby granted shall be carried out in accordance with the drawings hereby approved:

Site Plan, NJCPV-SitePlan-RevD-151222-ARC received 19/12/2022

Substation enclosure plan, 081214-DNOC-SEP-20150116-r100, received 19/12/2022

Ground Mounts, NJCS-Ground Mounts RevA- 151222-AC, received 19/12/2022

General Layout, NJCPV – Application Boundary RevH-061222-ARC, received 19/12/2022

Application Boundary, NJCPV – Application Boundary RevE-050922-ARC, received 23/01/2023

Rail Based Receptors, NEO01126/0031/A, received 23/01/2023

Road Based Receptors, NEO01126/0021/A, received 23/01/2023

Residential Based Receptors, NEO01126/0011/A, received 23/01/2023

Heritage Statement, received 19/12/2022

Planning Statement inc Screening Request, received 19/12/2022

Design and Access Statement, received 19/12/2022

Pre-development Arboricultural Report, received 19/12/2022

Preliminary Ecological Report, received 19/12/2022

Biodiversity Net Gain Assessment, received 19/12/2022

Landscape and Visual Appraisal Appendices 0102, received 19/12/2022

Landscape and Visual Appraisal Appendices 0102 13122, received 19/12/2022

Solar Module Glare and Reflectance Technical Memo, received 23/01/2023

Visibility Assessment Evidence, received 23/01/2023

Rail Receptor Glare Report, received 23/01/2023

Road Receptor Glare Report, received 23/01/2023

Residential Receptor Glare Report, received 23/01/2023

Glint and Glare Assessment, received 23/01/2023

Flood Risk Assessment, received 27/02/2023

Great Crested Newt Survey Report, received 06/07/2023

Reason: To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

3. The development hereby approved shall be carried out in complete accordance with the recommendations included within the Preliminary Ecological Appraisal.

Reason: For the avoidance of doubt and to prevent harm to protected species in accordance with Policy DM1 of the Development Management Policies Development Plan Document and Policy CS8.4 of the South Lakeland Core Strategy.

4. The development hereby approved shall be carried out in complete accordance with the mitigation strategy included within the Great Crested Newt Survey Report received 06/07/2023.

Reason: For the avoidance of doubt and to prevent harm to protected species in accordance with Policy DM1 of the Development Management Policies Development Plan Document and Policy CS8.4 of the South Lakeland Core Strategy.

Landscaping

5. A detailed landscaping scheme for the tree, scrub and hedgerow planting shall be submitted to, and approved in writing by the Local Planning Authority within 3 months of the date of this approval hereby granted. 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 mix, planting sizes and proposed numbers/spacing's; (iv) an implementation timetable; v) tree protection measures from herbivores and (vi) a schedule of landscape maintenance proposals for a period of not less than five years from the date of completion of the scheme. Thereafter, the development and 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 and increased biodiversity net gain in accordance with Policy DM4 (Green and Blue Infrastructure, Open Space, Trees and Landscaping) of the Development Management Policies Development Plan Document.

Contamination

6. Prior to the installation of electric cabling linking the array to the mill a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 - a. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site

- b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- c. The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: These details are required to be approved before the commencement of development to prevent harm to the environment in accordance with Policies DM1 and DM7 of the Development Management Policies Development Plan Document and the National Planning Policy Framework - Chapter 15, Conserving and enhancing the natural environment.

7. No development approved by this planning permission shall commence until a Soil Management Plan has been submitted to and approved in writing by the Local Authority. This should include details for the prevention of compaction of the soil during the operational phase to prevent silt laden surface water run-off. Thereafter, the construction phase of the development shall proceed in accordance with the approved Soil Management Plan.

Reason: These details are required to be approved before the commencement of development to prevent harm to the environment in accordance with Policies DM1 and DM7 of the Development Management Policies Development Plan Document and the National Planning Policy Framework - Chapter 15, Conserving and enhancing the natural environment

8. No development shall commence until a Construction Environment Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environment Management Plan shall include:
 - details of designated areas for construction vehicle parking, manoeuvring, loading and unloading;
 - details of storage areas for construction plant and materials;
 - details of measures to control the emission of dust and dirt during construction;

- measures to control noise and vibration from plant, equipment and procedures during construction, including from any rock pecking and excavations;
- confirmation of an embargo on the burning of waste material;
- details of a construction lighting scheme, designed to minimise light spillage from the site boundary;
- procedures for the cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- procedures for the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- management of junctions to and crossings of the public highway;
- details of surface water management during the construction phase and
- a biosecurity protocol to protect the adjacent River Kent SSSI.

Thereafter, the construction phase of the development shall proceed in accordance with the approved Construction Environment Management Plan.

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 Development Management Policies Development Plan Document.

Ground Investigation

9. No development approved by this planning permission shall commence until a comprehensive ground investigation is carried out to establish the course of any culverted watercourse traversing the site. The details of the finding of the ground investigation shall be submitted to and approved in writing by the Local Authority.

In the event that a presence of a culvert is established, details of the revised fixings of the photovoltaic panels to be erected near to the culvert shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the panels shall be installed in accordance with the approved details.

Reason: These details are required to be approved before the commencement of development to prevent harm to the environment and increased risk of flooding both on and off site in accordance with Policies DM1, DM6 and DM7 of the Development Management Policies Development Plan Document and the National Planning Policy Framework - Chapter 15, Conserving and enhancing the natural environment

Renewable energy

- 10 Written Notification shall be provided to the Local Planning Authority no later than 14 days after the development becomes operational, defined as the commencement of the generation of electricity. The Solar Panels and associated infrastructure shall be removed from site before the expiry of 40 years from the commencement of the generation of electricity.

Not later than 12 months before the expiry of the permission hereby granted, a decommissioning and site restoration scheme shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented within 12 months of the expiry of the permission hereby granted.

Reason: To ensure that the solar array is removed once the temporary period of installation has expired in order to protect the surrounding landscape in accordance with Policies DM1 and DM2 of the Development Management Policies Development Plan Document and Policies CS8.2 and CS8.10 of the South Lakeland Core Strategy.

11. Within 12 months of the solar array hereby permitted ceasing to be used for the generation of electricity, it shall be permanently removed from the land and the site restored in accordance with a decommissioning and site restoration scheme which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the solar panels are removed should they become redundant in order to protect the surrounding landscape, in accordance with Policies DM1, DM2 and DM21 of the Development Management Policies Development Plan Document and Policies CS8.2 and CS8.10 of the South Lakeland Core Strategy.

31. URGENT ITEMS

There were no urgent items of business.

The meeting ended at 1.10 pm