

WESTMORLAND AND FURNESS COUNCIL SOUTH LAKELAND LOCAL AREA
PLANNING COMMITTEE

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

PRESENT:

Cllr G Archibald
Cllr R Audland
Cllr J Battye
Cllr J Filmore
Cllr V Hughes (Chair)
Cllr H Irving
Cllr D Rathbone (Vice-Chair)

Officers in attendance:

Mr I Blinkho	Solicitor
Mr N Howard	Interim Head of Development Management
Mr A Moffatt	Democratic Services
Ms C Pinch	Senior Specialist - Development Management
Mr J Sheldrake	Specialist - Development Management

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

102. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H Chaffey, P Dixon and A Jama.

103. MEMBERSHIP

Councillors G Archibald and J Battye were present as substitute members in the absence of Councillors H Chaffey and P Dixon.

104. DECLARATIONS OF INTEREST/DISPENSATIONS

RESOLVED, that the following declarations of interest be noted:-

- (1) Councillor J Battye declared an interest in Minute Nos. 108 and 109 below, by virtue of the fact that she had registered to speak on both items as the Ward Councillor. She confirmed that she would leave the Council Chamber after speaking on each item.
- (2) Councillor D Rathbone noted for transparency that although the applications for Minute Nos. 110 and 111 below had been considered at Kendal Town Council Planning Committee, he had not voted on any of the items and was

not pre-determined. He indicated that he would remain in the Council Chamber for discussion and voting on the items.

105. EXCLUSION OF PRESS AND PUBLIC

There were no excluded items on the agenda.

106. MINUTES OF THE PREVIOUS MEETING

Following a request from the Chair, Members confirmed they were content with the conditions on Minute No. 95 (Ecclerigg Hall Farm, Killington, Carnforth), which were drafted by officers following the meeting.

RESOLVED, that the Chair be authorised to sign the minutes of the meeting held on Thursday, 15 February 2024, as an accurate record.

107. PUBLIC PARTICIPATION

The Chair confirmed that members of the public had registered to speak on:-

- Minute No. 108 – SL/2023/1156/NMA - Land North of Sycamore Close, Endmoor, Kendal (NMA);
- Minute No. 109 – SL/2023/1157/FPA - Land North of Sycamore Close, Endmoor, Kendal (FPA);
- Minute No. 110 – SL/2023/0163 - Kendal Nutricare Ltd Farley Health Products Ltd, Lake District Business Park, Mint Bridge, Kendal, LA9 6NL; and
- Minute No. 111 – SL/2023/0781 - Land North of Underbarrow Road, Kendal, LA9 5RS.

Due to the number of public participants attending, the Chair proposed that the Agenda running order be altered to the following order:-

- Planning Application No. SL/2023/1156/NMA - Land North of Sycamore Close, Endmoor, Kendal (NMA);
- Planning Application No. SL/2023/1157/FPA - Land North of Sycamore Close, Endmoor, Kendal (FPA);
- Planning Application No. SL/2023/0163 - Kendal Nutricare Ltd Farley Health Products Ltd, Lake District Business Park, Mint Bridge, Kendal, LA9 6NL
- Planning Application No. SL/2023/0781 - Land North of Underbarrow Road, Kendal, LA9 5RS
- Planning Application No. SL/2023/05132 - 4 Braddylls Court, Main Street, Bardsea, Ulverston, LA12 9SR
- Planning Application No. SL/2024/0174 - 2 Rusland Crescent, Ulverston, LA12 9LT

108. PLANNING APPLICATION NO. SL/2023/1156 (NMA) - LAND NORTH OF SYCAMORE CLOSE, ENDMOOR, KENDAL

Application for a non-material amendment following grant of planning permission SL/2017/0841 (Erection of 106 dwellings with associated infrastructure)

Note – Cllr G Archibald arrived at 10.11 a.m.

The Planning Officer presented Planning Application No. SL/2023/1156/NMA, which sought permission for a non-material amendment following the grant of planning permission SL/2017/0841 at Land North of Sycamore Close, Endmoor, Kendal. The application had been reported to the Committee at the request of a Councillor, due to the sensitivity and level of public interest in the site.

Members were informed of the non-material amendment requested in the application which related to a revised boundary treatment scheme along the eastern boundary of the site over and above the previously approved application. Photographs of the site and a location plan were shown to Members and full details of the proposed amendment were explained, as set out within the report.

The Planning Officer explained the key issues of the proposal and the context of a non-material amendment.

Following a query from Members, the Planning Officer and Interim Head of Development Management explained that there was no guidance for the definition of a non-material amendment provided by the government and that the Local Planning Authority was responsible for considering this in the context of each application. It was noted that the decision was factored to a degree, taking into account the 2017 permission and the nature of the amendments being proposed.

David Hayward and Jennie Taylor, Story Homes (Applicant) addressed the Committee.

Councillor J Battye, Ward Member, addressed the Committee, speaking in opposition of the application.

Note – Following her speech, Councillor J Battye left the Council Chamber for the remainder of the item.

Following a query from Members, the Interim Head of Development Management explained that the area of the boundary proposed to have stock fencing was connected to a paddock, rather than someone's garden and that a public footpath ran along the other boundary of the paddock. It was noted that the stock fence was more in keeping with the area.

Members were informed that if a neighbour wanted to change the area from a paddock to a garden, it would require a change of use application.

The Chair requested that David Hayward, Story Homes, respond to an issue raised by Members. He explained that a public footpath ran east to west along the northern boundary of the paddock and indicated where on the site location plan this was situated.

In responding to a question raised by Members, the Planning Officer explained that the proposed amendment to the boundary treatment did not impact the privacy of neighbouring properties.

Councillor G Archibald proposed that the proposed change to the boundary treatment, as set out in the report, be accepted as a non-material change and that the amendments be granted. Councillor H Irving seconded the proposal.

Members noted that they did not feel the change would adversely impact residential amenity and that the proposed changes were a non-material amendment to the original proposal.

A vote was taken and it was unanimously

RESOLVED, that the proposed change be accepted as non-material and the amendment be granted.

Note – Following the conclusion of this item, Councillor J Battye returned to the Council Chamber.

109. PLANNING APPLICATION NO. SL/2023/1158/FPA - LAND NORTH OF SYCAMORE CLOSE, ENDMOOR, KENDAL

Regularise the built retaining wall by plots 35/70, full planning application. (Retrospective)

The Planning Officer presented Planning Application No. SL/2023/1158/FPA, which sought retrospective permission to regularise the built retaining wall by plots 35/ 70 at Land North of Sycamore Close, Endmoor, Kendal. The application had been reported to the Committee following a request from a Member of the Council due to the sensitivity and public interest in the site.

Members' attention was drawn to photographs of the wall and surrounding area, with a site plan being shown to illustrate the specific location of the wall within the site. A sectional plan of the wall was shown to note the installation of the wall and the reduced gradient running towards the eastern boundary, down the side of the houses. Members were provided with full details of the wall's construction, as set out within the report.

Members were informed of the visual impact of the wall, which was located in an area of the site that was not readily visible from elsewhere on the site. It was noted that the materials used to build the wall were sympathetic to the materials used on some of the dwellings on the site.

Members raised queries relating to the original plan for the site and if the wall was part of those plans. The Planning Officer confirmed that this area was originally planned as banking rather than a wall. Members followed this up, noting that there was no evidence that the wall was necessary.

David Hayward and Jennie Taylor, Story Homes (Applicant) addressed the Committee, speaking in support of the application.

Members queried the management of open spaces, in particular a young hedgerow close to the location of the wall. David Hayward confirmed that this was managed by a management company and informed Members that any work done would have to be in line with the application approved in 2017. Members noted that this hedge would provide a good level of screening if encouraged to grow.

The Chair noted that this application should have been submitted prior to the construction of the wall rather than retrospectively.

Councillor J Battye, Ward Member, addressed the Committee, speaking in opposition to the application.

Following questions from Members, Councillor J Battye confirmed that she did feel that the visual impact of the wall should be considered as a material planning consideration due to the size and location of the wall and that it was built with no consultation with residents. Furthermore, she noted that residents would have preferred natural screening to be used as this would have been considered as less intrusive than the wall that had been constructed.

Note – Following her speech, Councillor J Battye left the Council Chamber for the remainder of the item.

The Planning Officer confirmed that the visual impact of the wall was a material planning consideration.

The Chair suggested a potential condition for additional screening along the wall, which could mitigate the visual impact of the wall. Members supported this suggestion, noting that improved screening would make a difference for the residents, particularly if the screening was made up of perennial plants.

The Interim Head of Development Management suggested an enhanced landscaping scheme in the gap between the wall and boundary of the site be included in the conditions.

Councillor R Audland proposed that permission be granted, subject to the conditions set out in the report and that Interim Head of Development Management be delegated power to develop a condition for an enhanced landscaping scheme between the wall and the site boundary in order to protect the visual amenity of neighbours year round. Councillor D Rathbone seconded the proposal.

A vote was taken and it was

RESOLVED, that:-

(1) planning permission be granted, subject to the following conditions:-

Condition (1) The development hereby permitted shall be retained in accordance with the following approved plans:

Location Plan Retaining Wall END-SL-LPRW Received 08 December 2023

Plot 70 Cross Section Received 21 February 2024

Reinforced concrete cavity retaining wall height 1500mm maximum 60-10 Rev D Received 21 February 2024

External Works Sheet 2 of 2 40-13-02 Rev C4 Received 21 February 2024

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

Condition (2) The materials used for the external surfaces of the development hereby approved shall be retained as Tay Buff Multi Brickwork.

Reason: To ensure the development is of a high quality design; and

(2) the Interim Head of Development Management be delegated power to include an additional condition to the planning permission for an enhanced landscaping scheme between the wall and the site boundary in order to protect the visual amenity of neighbours year round.

Note – Following the conclusion of this item, Councillor J Battye returned to the Council Chamber.

110. PLANNING APPLICATION NO. SL/2023/0163 - KENDAL NUTRICARE LTD FARLEY HEALTH PRODUCTS LTD, LAKE DISTRICT BUSINESS PARK, MINT BRIDGE ROAD, KENDAL LA9 6NL

New building on existing car park to house a spray dryer, existing covered walkway to be enclosed to create new access corridor, car park spaces to be reconfigured to suit building position (MAJOR APPLICATION)

The Planning Officer presented Planning Application No. SL/2023/0163, which sought permission for a new building on the existing car park, to house a spray dryer, an existing covered walkway to be enclosed, creating a new corridor and the reconfiguration of existing car parking spaces to suit the building position.

Members' attention was drawn to photographs and a plan of the site, and the proposed areas of development, including the existing building and proposed car

park. The Planning Officer noted the current use and national strategic importance of the site in the production of baby formula and the limitations of the spray dryer that was a bottleneck in the production process. Members were informed that the proposals, if approved, would enable a tripling of production capacity and the creation of up to fifty additional jobs over three years.

Members were shown proposed elevations of the new building from a number of positions that looked over the site, which highlighted that the building would be significantly taller than the existing buildings and would represent a prominent addition to the skyline of north Kendal. It was noted that the wider visual harm was significant and would not outweigh the economic benefits of the proposals.

The Planning Officer provided full details of the application, as set out in the report and noted that Kendal Town Council had commented on the colour of the building, requesting that the roof be painted in sympathetic colours that would minimise the visual impact of the proposed buildings. He added that representations from two local Members of Parliament had also been received, commenting on the strategic importance of the site.

Members raised questions regarding the current operating hours and the Planning Officer noted that there would be no change to the current hours which were twenty-four hours a day, seven days a week.

Further questions regarding the statutory consultees were raised, the Planning Officer confirmed that no objections had been received.

Simon Evans, the Factory Manager, addressed the Committee in support of the application.

Following queries from Members, Simon Evans responded that work had been undertaken to reduce the size of the building where possible and that the proposals would allow for the full operation to be brought to the Kendal site, rather than remain at a number of different sites. He noted that the Applicants were happy to consider any colour for the building and would choose the most appropriate colour and banding to minimise visual impact.

Mark Gourlay, Senior Project Manager, addressed the Committee in support of the application.

Following questions from Members, Mark Gourlay responded, stating that the Applicants had done a significant amount of work to reduce the size of the building and would consider rounding the corners of the building if this would assist in minimising the visual impact. He added that work had been done on ensuring biodiversity gain was achieved as a result of the application, if Members were minded to approve the application and that a company had been appointed to develop a plan. He reiterated the earlier point made by Simon Evans, that the Applicants would be happy to work with the Planning Officers to ensure the colour rendering was the most suitable option to try and blend the building into the skyline.

The Planning Officer responded to comments made during the public participation.

Councillor G Archibald proposed that the application be approved on the basis that the proposed development would not cause significant harm to the landscape character and wider visual amenity and any harm there would to landscape and visual amenity would be outweighed by the economic benefits of the proposal, subject to conditions and that the Interim Head of Development Management be given delegated authority to draft a suite of suitable conditions, specifically to include conditions relating to the colour of the building and ensuring biodiversity gain. Councillor R Audland seconded the proposal.

Members further discussed the potential conditions that would need to be attached to the permission, if Members were minded to approve.

The Interim Head of Development Management and the Planning Officer indicated that were the Members minded to grant planning permission, conditions should be attached to the planning permission controlling the following:

- Time Limit;
- The approved plans and documents;
- Construction Management;
- Contamination;
- Details of the external cladding;
- Biodiversity net gain;
- Surface water;
- Parking;
- Bioretention planters; and
- External lighting.

Members confirmed that they were happy to delegate responsibility to the Interim Head of Development Management to add any further conditions after consultation with the Chair and Vice-Chair.

A vote was taken and it was unanimously

RESOLVED, that as the proposed development would not cause significant harm to the landscape character and wider visual amenity and any harm there would to landscape and visual amenity would be outweighed by the economic benefits of the proposal planning permission be granted subject to the conditions set out below controlling the following area, with the Interim Head of Development Management being given delegated authority to draft the conditions and the Interim Head of Development Management being given delegated authority to attach further conditions to the planning permission he considers necessary after consultation with the Chair and Vice-Chair.

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

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

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

Location plan;
76400088-NIR-A-ZZ-DR-A-11010 P2 Proposed plan ground level;
76400088-NIR-A-ZZ-DR-A-11011 P2 Level 01 Proposed floor plan;
76400088-NIR-A-ZZ-DR-A-11010 P2 Level 02 Proposed floor plans;
76400088-NIR-A-ZZ-DR-A-12009 P2 Proposed contextual elevations;
76400088-NIR-A-ZZ-DR-A-12004 P3 Proposed north elevation;
76400088-NIR-A-ZZ-DR-A-12005 P2 Proposed east elevation;
76400088-NIR-A-ZZ-DR-A-12002 P2 Proposed south elevation;
76400088-NIR-A-ZZ-DR-A-12003 P2 Proposed west elevation;
76400088-NIR-11014 P2 Proposed roof plan;
K39768.FRA/003G Flood Risk Assessment and Drainage Strategy;
and
K39768.OM/004A Operation & Maintenance Plan for Sustainable Drainage Systems.

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

Condition (3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority.

The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors;
- ii. Loading and unloading of plant and materials;
- iii. Storage of plant and materials used in constructing the development;
- iv. The erection and maintenance of security hoarding and tree protection fencing, where appropriate;
- v. Wheel washing facilities;
- vi. Measures to control the emission of dust and dirt during construction;
- vii. A scheme for recycling / disposing of waste resulting from demolition and construction works; and
- viii. Measures to control noise and vibration.

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: These details are required to be approved before the commencement of development to prevent harm to human health and the environment.

Condition (4) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority.

The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

The site shall be remediated in accordance with the approved measures before any development begins. If during the course of development any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved measures and a timetable for their implementation.

Reason: These details are required to be approved before the commencement of development to prevent harm to human health and the environment.

Condition (5) Notwithstanding the approved elevations, full details of proposed external cladding shall be submitted to and approved by the Local Planning Authority prior to its installation. The development must be carried out in accordance with the approved details.

Reason: To secure an acceptable external appearance.

Condition (6) Prior to any development above foundations, full details of additional riverside planting to secure biodiversity net gain shall be submitted to and approved by the Local Planning Authority.

The details shall include planting plans; written specifications (including cultivation and other operations associated with plant establishment), schedules of plants, noting species, plant sizes and proposed numbers / densities and an implementation programme.

The agreed scheme shall be carried out within the first planting season following commencement of the development. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted.

Reason: These details are required to secure biodiversity net gain.

Condition (7) The surface water strategy shown in the approved Flood Risk Assessment and Drainage Strategy (Rev G submitted on the 29th February 2024) shall be fully implemented as approved prior to the first use of the approved development.

Reason: To secure an acceptable surface water strategy.

Condition (8) The parking layout shown in the approved Flood Risk Assessment and Drainage Strategy (Rev G submitted on the 29th February 2024) shall be fully implemented as approved prior to the first use of the approved development. The parking area shall be retained as a parking area for the full duration of the use of the building.

Reason: To secure mitigation for the partial loss of the existing car park.

Condition (9) Prior to the first use of the building, details of above-ground bioretention planters to filter and attenuate surface water (including details of planting) shall be submitted to and approved by the Local Planning Authority. The planters shall be installed as approved prior to the first use of the building and retained in the agreed locations.

Reason: To reduce surface water flows and reduce impacts on nearby watercourses.

Condition (10) Prior to the installation of any external lighting, full details shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the location, design, luminance levels, light spillage and hours of use of all external lighting within the site.

Reason: To safeguard and enhance the character of the area and to minimise light pollution.

Note – following a proposal from the Chair, Members agreed to a short comfort break at 12.29 p.m., the meeting reconvened at 12.35 p.m.

111. PLANNING APPLICATION NO. SL/2023/0781 - LAND NORTH OF UNDERBARROW ROAD, KENDAL, LA9 5RS

Outline Approval (some matters reserved) for the erection of 8 self-build dwellings (Resubmission of SL/2017/0575).

Note – Councillor G Archibald raised a declaration of interest at this point in the proceedings. After reflecting on the item, he felt that it would not be correct for him to take part in this item as he lived close to the application site and having had a business relationship with the Agent for the application. He left the meeting at 12.37 p.m.

Note – Councillor J Battye raised a point for clarity, that the Agent for the application chaired one of the Parish Council’s in her ward, she noted that she was not pre-determined and would remain in the room for the item.

The Planning Officer presented Planning Application No. SL/2023/0781, which sought outline approval, with some matters reserved, for the erection of eight self-build dwellings. Members were informed that the application had previously been refused by Officers, with eight reasons being given for the refusal, many of which had remained unchanged.

Members’ attention was drawn to site plans, photographs and an aerial view of the site which was located opposite a large development on Underbarrow Road and the Kendal Fell Quarry. It was noted that as the application was in outline, the designs, specific siting of the properties and other details were not being considered.

The Planning Officer highlighted the low density of the site and large scale of the proposed properties and plot sizes, as well as a number of key issues with the application.

Following a question from Members, the Planning Officer explained that the proposed site was located on land within the development boundary but not allocated.

Members noted that the application was broadly similar to the application that had been refused in 2022.

Peter Winter, the agent for the application addressed the Committee, speaking in favour of the application.

Colin Tomlinson, speaking on behalf of Mike Pennington, addressed the Committee, speaking in favour of the application.

Fred Pennington, the applicant addressed the Committee, speaking in favour of the application.

Following a query from Members, Fred Pennington, the applicant, explained that the focus on sustainable development and improving biodiversity was the right thing to do.

Note – the Solicitor, requested that Members agree to continue the meeting as it had run for three hours. All Members confirmed they were happy to continue.

Councillor P Thornton, Ward Member for Kendal Strickland and Fell, addressed the Committee, speaking to set out the reasons for calling the application in.

The Planning Officer responded to points made within the public participation.

Members noted that although they felt conflicted, it was disappointing that the application had insufficient information on key issues such as surface water, foul drainage, broadband connection. It was noted that the inclusion of this information would have been appreciated.

Councillor J Filmore, although understanding the points made by those in the public participation section, proposed that the application be refused, for the reasons set out in the report.

Members discussed the conflicting information presented by the public participants and noted that the points raised in the planning officers report, had not been answered. The Planning Officer added that it was crucial that all the information was provided by professionals to ensure that it could be verified ahead of making a decision on an application.

Councillor J Battye seconded the proposal from Councillor J Filmore to refuse the application for the reasons set out in the report.

A vote was taken and it was unanimously,

RESOLVED, that outline Planning Permission be refused for the following reasons:-

1. The information submitted does not provide adequate justification for 8 detached dwellings on a 1.3ha site, which does not meet the dwelling mix requirements or housing need of the area, contrary to Policy CS6.2 of the South Lakeland Core Strategy; and does not provide adequate justification for a low density development, therefore not making effective and efficient use of the land, contrary to Policy CS6.6 of the South Lakeland Core Strategy.
2. The proposed development lies immediately adjacent to the UNESCO World Heritage Site Lake District National Park, in an elevated hillside position, surrounded by designated open countryside, for which the landscape and visual impact of new development is critical. The application presents conflicting and insufficient information to provide an adequate basis on which to assess the landscape and character impacts of the proposed development. As such, this is contrary to Policy CS1.1, CS2, CS8.1 and CS8.10 of the South Lakeland Core Strategy, and Policy DM1 and DM2 of the South Lakeland Development Management Policies Development Plan Document
3. The application does not provide an assessment of the significance of heritage assets, by virtue of the sites location immediately adjacent to the UNESCO World Heritage Site Lake District National Park, nor the potential impacts of the proposed development on the heritage asset. As such this is contrary to Policy CS8.6 of the South Lakeland Core Strategy, Policy DM1 and DM3 of the South Lakeland Development Management Policies Development Plan Document and Para. 200 of the National Planning Policy Framework (2023).

4. Inadequate information has been submitted to confirm, that connection to a public foul water sewer is achievable as part of the development. As such, this is contrary to Policy CS1.1 of the South Lakeland Core Strategy and Policy DM1 and DM6 of the South Lakeland Development Management Policies Development Plan Document.
5. Insufficient information has been submitted to adequately assess the potential for pollution (particularly dust, noise and vibration) impacts on residential amenity of the proposed dwellings and future occupiers from activities at the adjacent Kendal Fell Quarry and A591 By-Pass. As such this is contrary to Policy DM1 and DM7 of the South Lakeland Development Management Policies Development Plan Document and Para. 180(e) and 191 of the National Planning Policy Framework (2023).
6. Insufficient and outdated information has been submitted to adequately assess the nature and extent of land contamination present on the site, which has potential impacts on the environment and safety of future occupiers. As such this is contrary to Policy DM1 and DM7 of the South Lakeland Development Management Policies Development Plan Document and Para. 180(e) and 191 of the National Planning Policy Framework (2023).
7. The application does not provide an up to date ecological survey of the site or relationships to adjacent areas, nor has a biodiversity baseline assessment been submitted to confirm whether a biodiversity net gain can be adequately achieved on the site. Consequently, the proposed development conflicts with Policy CS8.1 and CS8.4 of the South Lakeland Core Strategy, Policy DM4 of the South Lakeland Development Management Policies Development Plan Document and Paragraph 180 of the National Planning Policy Framework.
8. The application is not accompanied by a statement of information that demonstrates how the proposed dwellings will provide future occupiers with broadband connectivity and as such fails to accord with the requirements of Policy DM8 of the South Lakeland Development Management Policies Development Plan Document.

The Local Planning Authority has acted positively and proactively in determining this application within a timely manner. However the proposed development raises fundamental issues which are contrary to local and national planning policies and which are incapable of being addressed within this application.

112. PLANNING APPLICATION NO. SL/2023/0512 - 4 BRADDYLLS COURT, MAIN STREET, BARDSEA, ULVERSTON LA12 9SR

Front porch and single storey wrap around side and rear extension.

The Planning Officer presented Planning Application No. SL/2023/0512, which sought permission for the erection of a front porch and wrap around extension to the side and rear of the property.

Members' attention was drawn to photographs of the site, a site location plan and the existing and proposed floor plan, particularly focusing on the distance between the boundary of the site and the proposed extension. It was noted that although objections had been received regarding the boundary, the proposed extension was fully within the boundary and that issues regarding the boundary were a civil matter rather than a planning matter.

Councillor H Irving proposed that planning permission be granted, subject to the conditions set out in the report.

Councillor D Rathbone seconded the proposal. In seconding the proposal, he raised a query regarding the boundary, the Planning Officer noted that this was a civil matter and that the proposed extension overhanging the boundary would constitute a planning matter, the application in question did not overhang the boundary.

Members expressed concern over the impact on the boundary wall although they noted that supported the application. The Interim Head of Development Management added that a condition could be included to ensure the boundary wall was retained if the ownership of the wall was identified.

A vote was taken and it was unanimously,

RESOLVED, that planning permission be granted, subject to the following conditions:-

Time Limit for Commencement

Condition (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 Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

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

- i) Proposed Plans, Elevations & Site Block Plan - 2304 03D - A1, received 21st December 2023
- ii) Location Plan, received 3rd July 2023
- iii) Site survey, received 3rd July 2023

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

Materials

Condition (3) The development hereby permitted shall be constructed entirely of the materials, which are shown on the submitted application form and 'Proposed Plans, Elevations & Site Block Plan - 2304 03D - A1'. The approved materials shall be retained thereafter, unless otherwise approved in writing by the Local Planning Authority.

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

Bat/Bird Box

Condition (4) Within 4 weeks from the completion of the development, a bat/bird box shall be installed within the site. The bat/bird box shall be retained for the life of the development. A native tree shall be planted within the first planting season following the substantial completion of the development.

Reason: To ensure the development achieves a net gain in biodiversity in accordance with Policy DM1 and DM4 of the Development Management Policies Development Plan Document.

Boundary Wall (Member Recommendation)

Condition (5) The existing boundary wall on the southern boundary of the application site shall be retained in its current condition following completion of the work.

Reason: To achieve an acceptable external appearance.

113. PLANNING APPLICATION NO. SL/2024/0174 - 2 RUSLAND CRESCENT, ULVERSTON, LA12 9LT

Rear and side extension and partial loft conversion forming extended bedrooms, shower room and mezzanine to first floor level and utility, extended kitchen/dining and sitting area, extended bedroom and removal of porch to ground floor.

The Planning Officer presented Planning Application No. SL/2024/0174, which sought permission for a rear side extension and partial loft conversion, forming extended bedrooms, a shower room and mezzanine to the first floor level and utility, an extended kitchen/dining and sitting area, extended bedroom and removal of the porch to ground floor.

Members' attention was drawn to the site location plan, an aerial view and existing and the proposed floor plans of the property. The Planning Officer noted the

distances associated with the mezzanine level which was set back from the main face of the extension and provided full details of the application, as set out in the report.

No questions were raised by Members.

Councillor R Audland proposed that planning permission be granted subject to the conditions set out in the report and was seconded by Councillor H Irving.

A vote was taken and it was unanimously,

RESOLVED, that planning permission be granted, subject to the following conditions:-

Time Limit for Commencement

Condition (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 Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

Condition (2) The development hereby granted shall be carried out in accordance with the drawings hereby approved:
i) 01B received 02/02/2024
ii) 02B received 02/02/2024

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

Materials

Condition (3) The development hereby permitted shall be constructed entirely of the materials details of which are shown on the submitted application form and

- i) 01B received 02/02/2024 and
- ii) 02B received 02/02/2024

The approved materials shall be retained thereafter, unless otherwise approved in writing by the Local Planning Authority.

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

Bat/Bird Box

Condition (4) Within 4 weeks from the completion of the development, a bat/bird box shall be installed within the site. The bat/bird box shall be retained for the life of the development. A native tree shall be planted within the first planting season following the substantial completion of the development.

Reason: To ensure the development achieves a net gain in biodiversity in accordance with Policy DM1 and DM4 of the Development Management Policies Development Plan Document.

Tree Protection

Condition (5) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree, no equipment, machinery or structure shall be attached to or supported by a retained tree, no trenches shall be excavated or services installed in the root protection area and no mixing of cement or use of other contaminating materials or substances shall take place within the root protection area that seepage or displacement could cause them to enter a root protection area.

Reason: To ensure the protection and retention of important landscape features.

114. URGENT ITEMS

The meeting ended at 2.00 pm