

PLANNING COMMITTEE

Minutes of the proceedings at a meeting of the Planning Committee held in the District Council Chamber - South Lakeland House, on Thursday, 22 February 2018, at 10.00 a.m.

Present

Councillors

Mary Wilson (Chairman)
Pete McSweeney (Vice-Chairman)

Brian Cooper
Joss Curwen
Sheila Eccles
Brenda Gray

John Holmes
Vicky Hughes
Helen Irving
Janette Jenkinson

Kevin Lancaster
Eric Morrell

Apologies for absence were received from Councillors John Clough, Sylvia Emmott, Gill Gardner and David Williams.

Officers

Una Bell	Assistant Committee Services Officer
Simon Fawcett	Planning Officer
Chris Harrison	Planning Officer
Nicola Hartley	Senior Solicitor
Mark Loughran	Development Control Team Leader
Mark Balderson	Enforcement Officer
Fiona Clark	Planning Officer
Samantha Wannop	Planning and Enforcement Assistant
Kate Lawson	Planning Officer

P/142 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on 25 January 2018.

P/143 DECLARATIONS OF INTEREST

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

(1) Councillor Sheila Eccles with regard to Minute No. P/147 (Planning Application No. SL/2017/0841); and

(2) Councillor Mary Wilson with regard to Minute Nos. P/151 (Planning Application No. SL/2017/0979) and P/155 (Planning Application No. SL/2017/0883).

P/144 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That should discussion be necessary, the items in Part II of the Agenda be dealt with following the exclusion of the press and public.

P/145 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/147 (Planning Application No. SL/2017/0841);
- (2) Minute No. P/151 (Planning Application No. SL/2017/0979);
- (3) Minute No. P/154 (Planning Application No. SL/2017/0997);
- (4) Minute No. P/155 (Planning Application No. SL/2017/0883); and
- (5) Minute No. P/156 (A Report on Monthly Enforcement Activity, Storth Machinery Ltd)

P/146 PLANNING APPLICATION NO. SL/2018/0001 - KENDAL - 149 VALLEY DRIVE***Two storey side extension (Mr S Thomas)***

The Development Control Team Leader presented Planning Application No. SL/2018/0001 which sought planning permission to demolish an existing single garage and to erect a two storey side extension at 149 Valley Drive, Kendal. He displayed plans and photographs which detailed the proposals. He informed the Committee that the scale and design of the application would not cause significant harm to the visual or residential amenity of the area.

RESOLVED – That the application be granted subject to conditions below:-

Condition (1) The development hereby permitted shall be commenced before the expiration of THREE YEARS from the date hereof.

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

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

- OS plan for 149 Valley Drive, LA9 7SE Scale 1:1250
- Proposed Floor Plan & Site Plan, Drawing No. P5
- Proposed Elevations, Drawing No. P3
- Landscape and Drainage, Drawing No. P7

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

Condition (3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the extension respects the design of the parent building in accordance with Policy CS8.10 of the South Lakeland Core Strategy and saved Policy S2 of the South Lakeland Local Plan.

P/147

PLANNING APPLICATION NO. SL/2017/0841 - PRESTON RICHARD - LAND NORTH OF SYCAMORE CLOSE, ENDMOOR***Erection of 106 dwellings with associated infrastructure (Mr D Hayward (Story Homes))******Note – Councillor Sheila Eccles declared a non-pecuniary interest in this item due to having been contacted by the developer and, whilst she came to the meeting with an open mind, she had given consideration to the perception of bias. Councillor Eccles left the meeting during the discussion and voting on this item.***

The Planning Officer presented Planning Application SL/2017/0841 which sought planning permission for 106 dwellings with associated infrastructure and landscaping works. He displayed photographs and plans which detailed the proposals.

Members' attention was drawn to the late representations which had been circulated prior to the meeting.

Mr Glenn Smithers, a local resident, addressed the Committee. He explained he lived in close proximity to the new development and stated that he was not opposed to the development but objected to its scale and intensity. He highlighted concerns regarding the proposed landscape buffer to Sycamore Close and the uncertainty regarding ownership and maintenance. Mr Smithers stated that the proposed one metre border did not comply with the development brief and would not provide privacy to the new houses or to the existing properties on Sycamore Close. In addition he felt the development would be oppressive and unduly imposing to existing properties. He concluded by stating that the only way to ensure the maintenance of the southern boundary would be to ensure the entire length was maintained by a management company.

Mr David Boxford, a local resident, addressed the Committee. He informed the Committee that there had been extensive community involvement in assisting South Lakeland District Council and the Parish Council in the creation of the development brief. He stated that the removal of landscape features including the drumlins in the north-west corner of the site did not comply with the development brief and the applicant was cramming in as many houses as possible. Mr Boxford also voiced concerns regarding the lack of provision of a footpath link. He concluded by urging the Members to reject the planning application.

Joanne Jones, a local resident, addressed the Committee. She informed the Committee that the developer had submitted 29 revised documents within the last three days. She stated that she felt that the development was unsuited to the character of Endmoor and that the 'off the peg' house design was overly conspicuous and that the developer was putting profit before design excellence. She urged the Members to consider the development brief guidelines and for the southern boundary landscape proposals to be redrafted.

Mr David Hayward, the applicant, addressed the Committee. He stated that he welcomed the officer's recommendation to approve the application. He informed the Committee that he felt that the application was fully compliant with the development brief and the feedback he had received from officers had confirmed this. He highlighted the resident's concerns regarding the southern boundary and explained that the landscaping would be a 1.8 metre fence with planting. In conclusion Mr Hayward stated that the inclusion of suggested wording for a S106 agreement would ensure that the development would go ahead as proposed.

The Planning Officer further presented his report and referred to a number of amended plans and information submitted by the applicant, which reflected changes to the layout and both the permanent diversion of the public footpath to the northern boundary and the proposed new footpath link adjacent to the primary school. He explained that the most significant change was the house type at the north-west corner of the site adjoining the A65, which would now be a double fronted stone faced house. He confirmed that Cumbrian Diocesan Finance Board had stated that the charitable trusts which hold the land could not consider the proposal for the footpath link. He concluded by stating that officers considered the footpath link as desirable but not essential in planning terms and that the developer was committed to exploring options with the diocese to secure the provision of the footpath.

The Members gave consideration to the density of the development, the expansion of the existing primary school and the impact on the residents of Sycamore Close.

RESOLVED – That

- (1) the Director People and Places be given delegated authority to GRANT planning permission, subject to the conditions below and subject to a Section 106 agreement that covers the following matters: 35% affordable housing in perpetuity to be provided on site; Open Space Contribution; new footpath/cycle link to Endmoor Primary School if it is able to be provided (as outlined above) and Management and Maintenance of Open Space on site; and details of the management of the Surface Water Management arrangements.
 - (a) The development hereby permitted in respect of housing shall begin no later than three years from the date of this decision.
 - (b) Housing as per approved plans and design (amended).
 - (c) Construction, service and delivery traffic management plan prior to any works on site.
 - (d) Construction works, including site preparation, earthworks, start-up of machinery, deliveries and unloading of equipment and materials shall not take place outside the hours of 8.00am to 6.00pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays and at no time on Sundays, Public or Bank Holidays
 - (e) Visibility Splays to be protected
 - (f) Further technical details on vehicle access including emergency access.
 - (g) Further technical details on off-site road works
 - (h) Further technical details on internal road works including pavements, new footpath link, lighting and other street furniture.
 - (i) Protection of trees as per survey and landscape maintenance and management schedule
 - (j) Further details of retaining walls.
 - (k) Drainage as per drainage strategy with submitted details with further technical details to be submitted and agreed.
 - (l) Protection of watercourse when pipe to Peasey Beck installed
 - (m) Adoption, implementation, and management of Surface water system. No surface water to foul. Verification of surface water system prior to occupation
 - (n) Works to be completed as per recommendations in Ecological Survey Report.
 - (o) Works to be completed as recommendations in tree report.
 - (p) Stone sample panels prior to facing works.
 - (q) Roof covering and sample to be agreed prior to roof covering.
 - (r) Details of proposed electricity substation prior to construction.
 - (s) Remediation strategy to Japanese Knotweed (if needed).

(2) The Director People and Places be authorised to make an Order under Section 257 of the Town and Country Planning Act 1990 to divert the affected footpaths to enable development to be carried out.

Note – The Committee voted to adjourn for a break at 11.31 a.m. and reconvened at 11.40 a.m. when the same Members were present.

P/148 PLANNING OBLIGATIONS FOR AFFORDABLE HOMES

The Principal Planning Officer presented the report on Planning Obligations for Affordable Homes.

RESOLVED – That

(1) the report be noted; and

(2) Members consider the guidance with regard to the weight to be attached to the documents as set out in paragraph 3.16 for the determination of relevant applications by the Local Planning Authority.

P/149 PLANNING APPLICATION NO. SL/2017/0711 - KENDAL - SAWYERS ARMS

Conversion of a vacant public house and alteration/extension of redundant rear outbuildings to create 14 self-contained apartments (Mr J Brecknock (Luxus Property (Lake District) Limited))

The Planning Officer presented Planning Application No. SL/2017/0711 which sought planning permission for the conversion of a vacant public house and alteration/extension of redundant rear outbuildings to create 14 self-contained apartments. She displayed plans and photographs which outlined the proposals.

Members' attention was drawn to the late representations which had been circulated prior to the meeting.

The Members gave consideration to the internal dimensions of the apartments and provision of external storage and raised concerns regarding the combined impact of the lack of storage and habitable living space on the amenity of future residents.

Members felt that a decision on the application should be deferred at this time in order to provide the developer an opportunity to address the concerns raised.

RESOLVED – That the application be deferred for further negotiations to take place with regard to the amenity available for future residents.

P/150 PLANNING APPLICATION NO. SL/2017/0712 - KENDAL - 133 STRICKLANDGATE

Conversion of a vacant retail unit (use Class A1), including raising the roof to form a second floor, to create six self-contained apartments (Use Class C3) (Mr J Brecknock (Luxus Property Two Ltd))

The Planning Officer presented Planning Application No. SL/2017/0712 which sought permission for the conversion of a vacant retail unit including raising the roof to form a second floor to create six self-contained apartments. She displayed plans and photographs which outlined the proposals.

The Members, having given consideration to the previous Planning Application No. SL/2017/0711 which was linked to this Planning Application, felt similar concerns regarding the combined impact of the lack of storage and habitable living space on the amenity of future residents.

Members felt that a decision on the application should be deferred at this time in order to provide the developer an opportunity to address the concerns raised.

RESOLVED – That the application be deferred for further negotiations to take place with regard to the amenity available for future residents.

P/151

PLANNING APPLICATION NO. SL/2017/0979 - LOWER ALLITHWAITE - BARN HEY FARM, FLOOKBURGH ROAD, ALLITHWAITE

Residential Development (4no. dwellings) (Mr Michael Dixon)

Note – Councillor Mary Wilson declared a non-pecuniary interest in this item by virtue of the fact she was a Lower Allithwaite Parish Councillor. Councillor Wilson made a verbal representation under the Council's public participation scheme and left the meeting during the discussion and voting on this item.

Councillor Pete McSweeney took the Chair for this item.

The Planning Officer presented Planning Application No. SL/2017/0979 which sought outline planning permission for the development of four dwellings at Barn Hey Farm, Flookburgh Road, Allithwaite. He displayed photographs and plans which detailed the proposals.

Members' attention was drawn to the late representations which had been circulated prior to the meeting.

Councillor Mary Wilson addressed the Committee under the public participation scheme and highlighted the need for affordable homes in Allithwaite and requested that the number of affordable homes be protected within the land allocation site. She stated that the overall aspiration of the residents was to improve the links between the two sides of the village and this application was an opportunity to create a pedestrian link and improve pedestrian access. She urged the Members to consider adding a planning condition requiring the provision of a pedestrian linkage through the application site from the land to the north, which was allocated for residential development in Policy LA1.3 of the Land Allocations DPD, through to Flookburgh Road to the south.

In further presenting the report the Planning Officer stated that the principle of the residential development was supported by Officers. Officers agreed that pedestrian access would be desirable, however it was not reasonably necessary to make the development acceptable in planning terms. In the late representations Cumbria County Council Highways had stated that the wish for a footpath was noted and welcomed, but was not necessary to make the current development acceptable. However, Highways had suggested that consideration should be given to the addition of a planning condition requiring that a 2.5m strip of land be retained and safeguarded to enable the provision of a safe pedestrian access through the application site should this be required as part of any future planning application for the development of the residential land allocation. It was proposed by the Planning Officer that such a planning condition was not reasonably justifiable given the scale and nature of the current development proposals and that to

make any decision at this time regarding the potential requirements of any development of the land allocation for residential development would be premature. The Planning Officer therefore proposed that an informative be included to highlight the importance and implications of the matter, including the potential to require such a pedestrian access as part of the delivery of the wider residential land allocation.

RESOLVED –That outline planning permission be granted subject to the following conditions:-

Condition (1) The development to which this permission relates 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 (2) Details of the:- appearance, landscaping, layout and scale (hereinafter called “the reserved matters”); shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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

Condition (3) The development hereby permitted shall be carried out in accordance with the following approved documents:
 Location Plan – Drawing No. 244-600 received 25th October 2017.

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

Access

Condition (4) No development shall begin, until a scheme for the design, construction (including longitudinal and cross sections), drainage and all off site highway works shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall be designed to a standard suitable for adoption and shall be implemented and completed in accordance with the approved scheme and agreed phasing timetable.

Reason: These details are required to be approved before the commencement of development to ensure a minimum standard of construction in the interests of highway safety in accordance with Policy CS10.2 of the South Lakeland Core Strategy.

Condition (5) The development shall not commence until visibility splays providing clear visibility of 90 metres measured down the centre of the access road and the nearside channel line of the major road have been provided from a point 2.4 metres from the junction of the access with the county highway at

a height 1.05 metres above the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be retained, erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interests of highway safety in accordance with Policy CS10.2 of the South Lakeland Core Strategy.

Condition (6) No dwelling hereby approved shall be occupied until the means of vehicular access and associated turning areas has been constructed in accordance with the approved plans/details. The approved means of vehicular access and associated turning areas shall be retained and be capable for use at all times thereafter and shall not be removed or altered without the prior content of the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy CS10.2 of the South Lakeland Core Strategy.

Flood Risk and Drainage

Condition (7) No development shall take place until a scheme of surface water and foul water disposal works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the surface water and foul water disposal works have been completed in accordance with the approved scheme. The approved works shall be retained thereafter.

Reason: To ensure adequate provision is made for the management of surface water and sewerage disposal in accordance with saved Policy S26 of the South Lakeland Local Plan.

Environmental Protection

Condition (8) In the event that contamination is found at any time when carrying out the development hereby approved, the contamination must be reported in writing to the Local Planning Authority within 14 days and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site. An assessment must be undertaken in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

22.02.2018

Planning Committee

Reason: To prevent harm to human health and the environment in accordance with National Planning Policy Framework paragraph 17 Core Principles and paragraphs 121 - 122.

Condition (9) No work for the construction of these developments, including demolition, shall take place on the site, except between the hours:

- 08.00 - 18.00 Monday to Friday; and
- 08.00 - 13.00 on Saturdays;

unless otherwise agreed in writing with the Local Planning Authority. In particular, no work should be carried out on Sundays or officially recognised public holidays without the prior agreement in writing of the Local Planning Authority.

Reason: These details are required to be approved before the commencement of development to safeguard the amenity of neighbouring occupiers in accordance with Paragraph 17 and Paragraphs 121-123 of the National Planning Policy Framework.

Informative (1) On the effects of Planning Permission

Paragraph 4.24 of the Local Plan Land Allocations: Development Plan (LADPD) provides guidance in respect of the wider 'Land rear of Barn Hey' residential land allocation. It is stated that the 'development of better pedestrian access into the village, including the creation of the direct pedestrian route to the centre of the village' is a key issue.

The achievement of the requirements of Paragraph 4.24 of the LADPD may necessitate the delivery of a pedestrian linkage to Flookburgh Road via this Application Site.

Any planning application for Approval of Reserved Matters following Outline Approval should give consideration to the potential requirement to deliver a pedestrian linkage to Flookburgh Road via this Application Site in the design and layout of the proposed development so as not to potentially prejudice the delivery of the wider 'Land rear of Barn Hey' residential land allocation and/or create a potential ransom situation.

Note – Councillor Mary Wilson, Chairman, re-took the Chair for the remainder of the meeting.

Note – The Committee voted to adjourn for a break at 12.44 p.m. and reconvened at 1.30 p.m. when the same Members were present.

P/152

PLANNING APPLICATION NO. SL/2017/1039 - GRANGE-OVER-SANDS - THE STUDIO, GRANGE PROMENADE

Change of use of artist studio (use class Sui Generis) to café (use class A3) and erection of adjacent toilet building (Mr Mark Walmsley)

The Planning Officer presented Planning Application No. SL/2017/1039 which sought permission for the change of use of a detached building located on Grange-over-Sands promenade from an artist's studio to a café and for the erection of a detached toilet building. She displayed photographs and plans which outlined the proposals.

Members' attention was drawn to the late representations which had been circulated prior to the meeting.

The Planning Officer confirmed that the site was located in a sustainable location within the development boundary for Grange-over-Sands and as a small scale food and drink establishment it would not harm the viability of the established town centre and would not have a harmful impact on the designated open space.

RESOLVED –That planning permission be granted subject to the following conditions:-

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

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

Condition (2) The development hereby permitted shall be carried out in accordance with the following approved plans as submitted to the Local Planning Authority on 24 January 2018:
907-2-2d Plan and elevation as proposed (1:100/ 50)

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

Condition (3) The development hereby permitted shall be constructed entirely of materials details of which are shown on plan No. 907-2-2d Plan and elevation as proposed (1:100/ 50) as submitted to the Local Planning Authority on 24 January 2018.

Reason To ensure the development is of a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy and saved Policy S2 of the South Lakeland Local Plan.

Condition (4) No site clearance, preparatory work or development shall take place unless in accordance with the scheme for the protection of the retained trees and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction – Recommendations. The tree protection measures shall be carried out as described and approved in the Arboricultural method Statement prepared by Treescapes Consultancy Ltd and submitted to the Local Planning Authority on 21 December 2017, and shall be maintained until the development is completed.

Reason These details are required to be approved before the commencement of development to ensure the protection and retention of important landscape features in accordance with Policy CS8.1 of the South Lakeland Core Strategy.

Condition (5) Prior to the commencement of development, the design and siting of a litter bin shall be submitted to and agreed in writing with the Local Planning Authority. The bin should be installed before the use commences and provided at all times that the use is open, in accordance with the approved details.

22.02.2018

Planning Committee

Reason To safeguard the amenity of the neighbouring residents in accordance with 'The Planning System: General Principles'; to reduce and manage waste generated from the development in accordance with policy CS8.9 of the adopted South Lakeland Core Strategy; and to ensure the character of the area is not adversely affected in accordance with Policy CS1.1 of the adopted Core Strategy.

Informative (1) This permission does not grant planning permission or advertisement consent for changes to the character of the shop frontage or illuminated signage, nor does it imply that such consent would be forthcoming.

P/153 PLANNING APPLICATION NO. SL/2017/1088 - GRANGE-OVER-SANDS - HAMPSFELL HOUSE HOTEL, HAMPSFELL ROAD

This application was withdrawn prior to the commencement of the meeting.

P/154 PLANNING APPLICATION NO. SL/2017/0997 - ULVERSTON - FORMER PUBLIC WC, PRIORY ROAD

Change of use and extension of former public convenience to a hot food takeaway (use class A3/A5) with associated parking, external seating area and new vehicular access (Mr Tony Postlethwaite)

The Principal Planning Officer presented Planning Application No. SL/2017/0997 which sought permission to convert and extend the former public conveniences on Priory Road, Ulverston to a hot food takeaway. She displayed plans and photographs which outlined the proposals.

Members' attention was drawn to the late representations which had been circulated prior to the meeting.

Mr Kim Tullett, on behalf of Hough Tullett Associates, addressed the Committee. He referred to a map which was displayed by officers and which outlined the cluttered hot food takeaway provision in Ulverston. He emphasised that the application was for a fish and chip shop on the southside of Ulverston which would be a family business employing two full-time and four part-time staff and in addition it would offer an apprenticeship scheme with the local college. He concluded by stating that the applicant was aware of the concerns regarding litter and would introduce a management system for the control of neighbourhood nuisance issues

In further presenting the report the Principal Planning Officer highlighted that the property was situated on a busy road south of Ulverston and highway issues had been a consideration. However, there would be the provision and maintenance of visibility splays and off road customer parking for eight cars during opening hours.

Members requested clarification regarding the mechanical extraction system for the cooking range.

RESOLVED – That planning permission be granted subject to the following conditions:-

Condition (1) The development hereby permitted shall be commenced before the expiration of THREE YEARS from the date hereof.

22.02.2018

Planning Committee

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:
Drawing Numbers 491/sk3; 491/02 and 491/03.

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

Condition (3) The hot food takeaway business hereby permitted shall not be open to customers other than between the following hours:-
11:00 – 21:30 Mondays – Sundays

Reason To safeguard the amenity of the neighbouring residents in accordance with National Planning Policy Framework para 17 Core Principles and para 123.

Condition (4) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason To safeguard and enhance the character of the area and secure high quality landscaping in accordance with saved Policy S3 of the South Lakeland Local Plan.

Condition (5) No development shall begin unless and until visibility splays providing a clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the major road have been constructed at the junction of the new access with county highway. The visibility splays shall thereafter be maintained free of any obstruction over 1 metre in height above the adjacent carriageway. The visibility splays shall be constructed before general development of the site commences to safeguard construction traffic.

Reason In the interests of highway safety in accordance with Policy CS10.2 of the South Lakeland Core Strategy.

Condition (6) Prior to the development being brought into use, the approved access and parking layout shall be constructed of a bituminous or cement bound material, and made available for use and shall be retained as such thereafter. The parking spaces shall be used solely for the benefit of the visitors of the development hereby approved and for no other purpose.

Reason In the interests of highway safety in accordance with saved Policy S10 of the South Lakeland Local Plan.

Condition (7) Before the use hereby permitted begins, a litter bin shall be installed as indicated on the approved plans and made available when the use is open to customers.

- Reason To ensure adequate refuse provision is made for the customers of the business and to prevent harm to the character of the area resulting from littering.
- Condition (8) No work for the construction of this developments, including demolition, shall take place on the site, except between the hours:
08:00 – 18:00 Monday to Friday; and
08:00 – 13:00 on Saturdays;
unless otherwise agreed in writing with the Local Planning Authority. In particular, no work should be carried out on Sundays or officially recognised public holidays without the prior agreement in writing of the Local Planning Authority.
- Reason To safeguard the amenity of neighbouring occupiers in accordance with National Planning Policy Framework para 17 Core Principles and para 123.
- Condition (9) a) A scheme showing the proposed external lighting plan for the development shall be submitted to and agreed in writing with the Local Planning Authority prior to its installation. This shall show the location, number and type of units proposed, their orientation and brightness in lux and proposed hours of operation. It shall also predict the light level in lux to be experienced at surrounding properties.
b) The development shall be carried out in accordance with the approved lighting scheme and retained as such thereafter.
- Reason To minimise the visual impact of light on nearby residential properties in accordance with the National Planning Policy Framework Core Principles. To protect highway safety.
- Condition (10) a) Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and odours from the premises shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall include measures to control noise and vibration from the equipment.
b) The approved fume extraction scheme shall be implemented prior to the use commencing and all equipment installed as part of the scheme shall thereafter be operated at all times when cooking is taking place. The equipment shall be maintained in accordance with the manufacturer's instructions.
- Reason To safeguard the amenity of the neighbouring residents in accordance with National Planning Policy Framework para 17 Core Principles and para 123.

P/155**PLANNING APPLICATION NO. SL/2017/0883 - LOWER ALLITHWAITE - LAKELAND LEISURE PARK, MOOR LANE, FLOOKBURGH*****Installation of bases for 85 static caravans and associated infrastructure, Lakeland Leisure Park, Moor Lane, Flookburgh (Bourne Leisure Limited)***

The Principal Planning Officer presented Planning Application No. SL/2017/0883 which sought permission for the extension of an established holiday park comprising of the installation of 85 bases for the siting of static caravans and associated infrastructure

including access roads, services and landscaping. She displayed photographs and plans which outlined the proposals.

Members' attention was drawn to the late representations which had been circulated prior to the meeting.

Councillor Caroline Johnson, a Lower Allithwaite Parish Councillor, addressed the Committee. She stated that in 2004 planning permission had been granted for 993 pitches and that some of these pitches had not yet been filled and the applicant was requesting consent for an additional 85 pitches sited on part of the golf course. She highlighted local concerns regarding the further expansion of the site, the scale of the development, the volume of traffic and the vehicular access to and from the site. She stated that the roads were congested and falling apart. She concluded by encouraging South Lakeland District Council to introduce a Community Infrastructure Levy charge on static caravan units and in addition to levy a charge on caravan and lodge owners, which would create considerable revenue for the Council.

Councillor Robert Fowler, a Lower Allithwaite Parish Councillor, addressed the Committee. He outlined his concerns regarding the inadequacy of the footpath and the increase in the volume of traffic. He highlighted the need for a construction management plan to avoid a detrimental impact on the community at peak construction times.

Rachel Davies, the applicant's agent, addressed the Committee. She stated that the Lakeland Leisure Park formed an important part of Bourne Leisure's holiday park business and that last year Lakeland Leisure Park had employed 250 staff, of which 180 were from the local community. She confirmed that the application was for 85 static and lodge pitches which would result in a net gain of 18 pitches. However, the applicant had noted the concerns of the Parish Councils and had agreed to commit to the removal of 18 existing pitches, therefore the current application would not result in a net increase. She highlighted the applicant's commitment to develop a footway improvement scheme along Moor Lane and to develop a Construction and Environmental Management Plan to monitor and minimise disruption to the local residents during the construction period. She concluded by informing the Committee that the Leisure Park made a positive contribution to the local area and encouraged Members to support the Officer recommendation and approve this important investment in South Lakeland's tourism offer.

In further presenting the report the Principal Planning Officer informed the Committee that the application was of an appropriate scale and form which would not result in any significant landscape and visual impacts. The proposed layout incorporated a series of landscaped areas and a new landscaped bund would be installed prior to the static caravans being sited. The applicant had agreed to fund footpath improvements and the provision of an agreed construction vehicle management plan would safeguard the amenity of the local community.

The Members agreed that the Leisure Park was well maintained and had interesting features. However, they acknowledged the perceived problems during the construction period. In addition it was stated that the local community was not supported by guests of the Leisure Park and concern was highlighted regarding the volume and speed of traffic to and from the site. Despite this Members felt that the application was acceptable subject to additional conditions 13 – highway improvements and 14 – restriction on caravan numbers.

RESOLVED – That planning permission be granted subject to the following conditions:-

Condition (1) The development hereby permitted shall be commenced before the expiration of THREE YEARS from the date hereof.

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

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

- Proposed Site Layout Rev.E;
- Masterplan Rev.B
- Landscaping Plans drawing numbers
- 1001 Rev.A
- 1002 Rev.A
- 1003 Rev.A and
- 1004 Rev.A.

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

Condition (3) a) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:-

- proposed finished levels or contours;
- details of the landscaped bund to the north eastern boundary;
- means of enclosure;
- car parking layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;

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

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

Reason These details are required to be approved before the commencement of development to safeguard and enhance the character of the area and secure high quality landscaping in accordance with saved Policy S3 of the South Lakeland Local Plan.

Condition (4) a) The development shall be screened by the planting of suitable native hedge, shrubs and trees on a new bund as indicated on the submitted Landscape Plan and approved under the terms of condition (3). The approved landscaping details shall be fully installed at least 12 months prior to the siting of any lodges or caravans on the site.

b) The screen planting shall be allowed to grow to a height of at least 3 metres and shall be retained thereafter at the stated minimum height. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

c) The landscaped screening shall be permanently retained thereafter.

Reason To protect the landscape and visual amenity of the area in accordance with Policy CS8.2 and CS1.1 of the South Lakeland Core Strategy.

Condition (5) a) Prior to the installation of any of the lodges and caravans hereby approved on the site, full details of the design and external materials and finishes of the lodges shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved details shall be fully implemented and retained thereafter.

Reason To protect the amenity of the area in accordance with policy CS8.2 of the South Lakeland Core Strategy.

Condition (6) The lodges and caravans hereby permitted shall not be occupied other than as holiday accommodation. They shall not be used at any time as sole and principal residences by any occupants.

Reason To safeguard the local tourist economy in accordance with Policy CS7.6 of the South Lakeland Core Strategy.

Condition (7) A register of all occupants of the accommodation hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request. The register shall comprise consecutively numbered pages, which shall be kept in order, and each entry shall contain the name and address of the principal occupier together with the dates of occupation.

Reason To safeguard the local tourist economy in accordance with Policy CS7.6 of the South Lakeland Core Strategy.

Condition (8) a) Prior to the commencement of development a working method statement to cover all construction site drainage and pollution prevention works as set out shall be submitted to and agreed in writing with the Local Planning Authority.

b) The development shall thereafter be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

Reason The construction phase of any proposed development affecting the adjacent receiving watercourse and Morecambe Bay poses significant risks of pollution, and to prevent harm to protected species in accordance with Policy CS8.4 of the South Lakeland Core Strategy.

Condition (9) The development shall not proceed except in accordance with the mitigation strategy described in the submitted Ecological Appraisal prepared by Tyler Grange and deposited with the Local Planning Authority on 26 September 2017 and the subsequent update received by email on 5 December 2017.

Reason For the avoidance of doubt and to prevent harm to protected species in accordance with Policy CS8.4 of the South Lakeland Core Strategy.

Condition (10) a) No development shall take place, until details of the measures identified in the submitted Construction Vehicle Management Plan has been submitted to and approved in writing by the Local Planning Authority.

b) The approved Construction Vehicle Management Plan shall be adhered to throughout the construction period.

Reason These details are required to be approved before the commencement of development to safeguard the amenity of neighbouring occupiers in accordance with National Planning Policy Framework para 17 Core Principles and paras 121- 123.

Condition (11) The development shall not proceed except in accordance with the mitigation strategy described in the submitted Flood Risk Assessment Final Report V1.1 prepared by Westwood Services Ltd. and deposited with the Local Planning Authority on 15 December 2017.

Reason To ensure flood risk is not increased within the site or elsewhere, that priority is given to the use of sustainable drainage systems and to ensure adequate provision is made for the management and maintenance of surface water disposal in accordance with Policy CS8.8 of the South Lakeland Core Strategy.

Condition (12) a) The development shall not be occupied until details of surface water management and the disposal of sewage works have been submitted to and approved in writing by the Local Planning Authority. These details shall be in accordance with the submitted Surface Water Drainage Strategy Assessment report V1.1 prepared by Westwood Services Ltd. and deposited with the Local Planning Authority on 15 December 2017. For the avoidance of doubt the foul and surface water shall be drained on separate systems.

b) The development shall not be occupied until the approved surface water management and the disposal of sewage works have been provided on the site to serve the development.

c) The approved works shall be retained as such thereafter in accordance with the submitted Surface Water Management details set out in chapter 4 of the report.

Reason To ensure adequate provision is made for the management of surface water and sewage disposal in accordance with saved Policy S26 of the South Lakeland Local Plan.

Condition (13) a) Prior to the delivery and siting of any of the caravans or lodges hereby permitted, details of the proposed highway improvements along

Moor Lane shall be submitted to and approved in writing by the Local Planning Authority.

b) The development hereby permitted shall not be occupied until the approved highway works have been completed, unless otherwise agreed in writing by the local planning authority.

Reason To improve pedestrian connectivity and safety between the Holiday Park and Flookburgh in accordance with policy CS10.2 of the South Lakeland Core Strategy.

Condition (14) No more than 993 static caravans, as defined in the Caravan Sites and control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site known as Lakeland Leisure Park at any time.

P/156

A REPORT ON MONTHLY ENFORCEMENT ACTIVITY

The Development Control Team Leader introduced the Monthly Enforcement Report and provided an update which related to Storth Machinery Ltd, Burtlands, Moss Lane, Burton in Kendal. The report informed Members of the enforcement investigations, the breaches of planning control and proposed action. He displayed plans and photographs which outlined the development and referred to the site visit. He confirmed that the development had been carried out on site, was not strictly in accordance with the approved plans, was in breach of conditions attached to Planning Application No. SL/2015/0267 and without the benefit of Planning Permission.

The Development Control Team Leader outlined the breaches of Planning Control and Members' attention was drawn to the late representations which were circulated prior to the meeting.

Mr Ian Betley, a local resident, addressed the Committee. He stated that Storth Machinery had been in breach of all nine conditions which had been in place to protect his amenity. He highlighted the intrusive nature and the misery caused to him and his family by the vehicle reversing alarms, which were heard six days a week from early morning, and the proximity of the vehicles to his boundary. He informed the Committee that he felt that there had been a maladministration of the enforcement and he would be submitting his report to the ombudsman. Mr Betley highlighted the documented flood plan and stated that the plan failed to address the issue of on and offsite flooding and that the remedial work to solve the issue of water flow from the east only helped Storth Machinery and actually increased the flooding risk to his property.

In further presenting the report the Development Control Leader explained that in January the Local Lead Flood Authority had confirmed that the planning breaches did not exacerbate the risk of flooding. He confirmed that now the industrial building was fully operational a further noise impact study had been requested.

The Members gave consideration to the impact of the planning control breaches on Mr Betley and the enforcement actions taken by the Officers.

The Development Control Team Leader presented the other sections of the report on monthly enforcement activity. He informed the Committee that the enforcement activity figures at Appendix 2 to the report were unavailable this month due to a technical glitch.

22.02.2018

Planning Committee

RESOLVED – That

- (1) the contents of Appendix 1 to the report be noted;
- (2) 3.2 of the report on monthly enforcement be noted; and
- (3) the Officers to report back to the Planning Committee in respect of Storth Machinery with an update on any outstanding breaches at the April meeting.

P/157 PLANNING PERFORMANCE AND APPEALS UPDATE

Members were presented with the Planning Performance and Appeals Update report.

The Development Control Leader drew Members attention to the recent success at a Planning Inspectorate Inquiry in January 2018 regarding Planning Application No. SL/2016/0582 Land to the south of Underbarrow Road. Members requested that their congratulations to the Principal Planning Officer Fiona Clark be noted.

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

P/158 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 paragraph indicated.

P/159 LEGAL ADVICE REGARDING SIR JOHN BARROW WAY - ULVERSTON - SL/2016/1109

- *Paragraph 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*

Members gave consideration to the legal advice in relation to Planning Application No. SL/2016/1109 (Sir John Barrow Way, Ulverston).

RESOLVED – That

- (1) the advice contained within the report be noted; and
- (2) recommendation (2) of the Part II report be agreed.

P/160 RE-ADMISSION OF PRESS AND PUBLIC

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

The meeting ended at 3.48 p.m.