

# **Lorton Parish Council**

## **Special Planning Meeting**

Minutes of the meeting held on 14th December 2017

**Present:** Cllrs. Poate (Chair), Postlethwaite, Deeks, Irlam and Aitken.

**Apologies:** Mr. T. Cresswell and Mr. P. Winter.

**Also present:** Eleven members of the public and the Clerk to the Council.

The Chair welcomed everyone to the meeting at which the Parish Council, is to consider a response to the appeal submitted to the Planning Inspectorate by Mr. Tony Cresswell with regard to his outline planning application for five market value dwellings submitted in 2016 that the Development and Control Committee of the LDNPA subsequently refused.

The Chair stated that everyone who wishes to speak will get the opportunity to speak and asked that only one person spoke at a time to try and ensure that the minutes taken are an accurate reflection of the meeting. She went on to remind those present that all those present should treat each other with respect and consideration and that Parish Councillors are all volunteers who are simply trying to do the best they can and what they feel is right for this community.

The Chair explained that at the end of this meeting, assuming that the meeting is quorate and that the Council wishes to take a view on the appeal, it is intended to agree a letter to the Planning Inspectorate either supporting the appeal and giving reasons for supporting it or opposing the appeal and giving reasons for opposing it.

Those present were reminded that this particular development to the north of Croft Barn had been a very difficult one for the Parish Council, much more so than any other planning application in recent memory. The success of the latest iteration of the planning application, i.e. the one with two affordable houses means that one way or another there would be five new dwellings built on the land adjacent to Croft Barn in due course and this should be accepted by everyone now.

### **81.17 Declarations of Interest:**

There were no declarations of interest.

Cllrs. Poate and Irlam explained that they were following the precedent set by Cllr. Deeks at the previous meeting when the development site know as 'Land to the North of Croft Barn' had been discussed (see minute 42.17), i.e. they no longer had any relationship with the applicant Mr. Cresswell and therefore no need to declare an interest. *(It should be noted that the decision of Cllr. Deeks not to declare an interest was investigated by the Standards Committee of Allerdale Borough Council and found to be sound).*

### **82.17 Background Information:**

The Clerk provided the meeting with a timeline relating to the development site in question:

**Date 15th October 2015**

Ref: 7/2015/2209

Proposal: Outline planning permission for three dwellings

Lorton PC had No Objections.  
Application withdrawn one week later

**Date: 2nd November 2016**

Ref: 7/2016/2245

Proposal: outline application for five dwellings (Local Occupancy)

Lorton PC was not quorate and the LDNPA was informed of this  
Application refused by DCC  
Appeal submitted by applicant

**Date 29th June 2017**

Ref: 7/2017/2129

Proposal: outline application for five dwellings (Local Occupancy) three market value and two affordable covered by a Section 106 agreement.

Lorton PC had No Objections  
Application agreed by the DCC

He then went on to explain that Mr. Cresswell and his agent had both stated that they were assuming that the Parish Council would not be making any comment on the appeal as the Council did not consider or comment on the original application due to being inquorate. The Clerk stated that this point should be considered carefully by Councillors before proceeding with the meeting.

He further explained that if the 2016 application had been a stand-alone application, i.e. there had been no previous and subsequent applications in 2015 and 2017, then he would have informed Councillors that they were not in a position to comment on the appeal. However, as the 2017 application was, to all intents and purposes, identical to the 2016 application in-terms of scale and layout, the only difference being that two of the five properties were now to be affordable and covered by a Section 106 agreement, and the 2017 application was considered in detail by the Parish Council in June of this year, Councillors may feel that this gave them the knowledge required to comment on the appeal should they wish to do so. It was also noted that prior to the inquorate meeting, Councillors had all read through the 2016 application and the case officers comments.

In conclusion he stated that he had consulted with colleagues on this particular issue and had been informed that ultimately the decision as to whether the Parish Council should or should not comment on the appeal lay with Parish Councillors.

The Chair then asked for the views of Parish Councillors.

Cllr. Deeks stated that on the previous occasion at which this development site had been discussed one of the reasons that he had not declared an interest was to ensure that the Council was quorate thus enabling Parish Councillors and members of the public to have their say on an important issue in a local public forum. He went to say that as the Council is quorate this evening we should take the opportunity to discuss and comment on the appeal and allow both Councillors and the public to have their say on the matter. This view was supported by the other four Parish Councillors present.

The Chair asked for a show of hands from those Councillors who felt it was appropriate for the Council to comment on the appeal. All five Councillors raised their hands and it was agreed that the Council should proceed with the meeting and comment on the appeal.

### **83.17 Public Participation:**

It was agreed to combine this agenda item with discussion on the planning appeal below.

### **84.17: Planning Appeal:**

**Planning Appeal Ref:** APP/Q9495/W/17/3186105  
**LDNPA Ref:** 7/2017/2129  
**Location:** Land adjacent to Croft Barn, Low Lorton CA13 9UW  
**Proposal:** Outline application for residential development ( Local Need and Local affordable Need)

The Chair asked the Clerk to read out an email that had been sent to the Parish Council by the applicant, Mr. Cresswell.

*Dear David and members of Lorton Parish Council.*

*As informed on 29 November we will be away from Lorton when the PC are due to discuss our Appeal against the Decision Notice to Refuse PP to our original scheme back in April of this year. Unfortunately our Planning Consultant Peter Winter is at another meeting on that evening and is therefore also unable to attend. By way of clarification we are assuming that due to the Parish Council's inability to comment on the first submission will mean that no comments may be made to the Planning Inspectorate in order to maintain consistency. We point out that this Appeal, this meeting and the subject matter are simply in relation to our original application and whatever events have succeeded that application are not for consideration.*

*That said and as you know, the only material difference between what was Refused in April and what was subsequently Approved in September is that the latter scheme included the provision for 2 of the 5 houses to be of Low-Cost or Affordable Houses. Since that Approval was given we have awaited the arrival from the LDNPA of the draft Section 106 Agreement that is to accompany that scheme - and we are still waiting, 3 months on.*

*You will be aware that you are allowed 6 months from the date of Refusal to lodge an Appeal and from the April Refusal this was due to expire on 6<sup>th</sup> October. It could very possibly prove that these terms, particularly any requirements requiring phasing, make the Approved scheme nonviable - early indications with potential buyers/developers of the site display hesitancy due to the inclusion of Low-Cost houses. What we could very well be given is a pact of terms that allow us no way forward so this Appeal had to be submitted to the Secretary of State within the deadline in order to protect our position. It is a form of back-up for as you may recall the 2009 (?) Approval for low cost/affordable housing across the road on land owned by Terrace Farm, ultimately went in the bin as it was just that. Nonviable. Is there anybody that would not appeal the original decision if they were in our position? – I doubt it.*

*It could be interpreted by some that we are trying to get away from the low-cost element of the subsequent Approval but what we are really doing, I repeat, is protecting our position. Whatever way anybody wants to look at this, we have made a commitment to create housing for people/families to live here in Lorton and there will be 5 houses for nothing other than local people to live in. The local occupancy clauses will serve to depress their value and make them accessible to local folk, regardless of any low cost element. We also point out to those minded to object to this Appeal, that these houses will come into existence, whatever the outcome of this Appeal and we want to work with the community to enable the best outcome for all concerned rather than fight on with objections which have been set aside by the Development Control Committee within the LDNPA in favour of creating much needed housing in this village.*

*We urge the PC to remember that there is a strong body of support for the scheme from many others who live full time in the village and can see the need for the community to provide opportunities for young blood to join it, including the School, pub and shop.*

The Clerk explained that he had sent the above email to Kevin Richards, the Planning Officer who had dealt with the site through the various applications, for his comments on the applicants assumption that the Parish Council would not comment on the appeal and the applicants understanding of why the Section 106 Agreement has yet to be issued.

The Planning Officer had responded:

*It is a matter entirely for the Parish Council what representations they choose to make in response to the appeal. And it is a matter entirely for the Inspector to decide what matters are relevant to the determination of the appeal.*

*With regard to the most recent planning application it was agreed with the applicant's agent shortly after the committee meeting that they would provide a draft Section 106 agreement to us to reflect the resolution from Committee and that this would form a basis for discussion in agreeing the precise terms of the agreement. As yet we have not received this from the applicant or his agent.*

The Chair asked the Clerk if he had received any other emails relating to the appeal and the Clerk informed the meeting that he had received emails from Mr. & Mrs Ford, Julie Llewellyn and Laura Fiske at Friends of the Lake District, all of which urged the Parish Council to oppose the appeal as lodged by Mr. Cresswell.

The chair then opened up the meeting to those present for their comments.

Mr. Williams read out an email he had previously sent to Parish Councillors:

*I feel that I need to write to you in advance of tonight's meeting because I want to cover the various inaccuracies in the Appeal document lodged by Mr Winter and it will not be easy to articulate that tonight, or for the members of the PC to take it all in on the spot.*

*In the first instance Mr Winter claims that in March the planning committee all opined that they would have approved the application but couldn't do so because of a legal issue with the visibility splay. This is totally untrue, and neither the minutes, nor the recording support that in way. The fact is that Mr Winter submitted an amendment too close to the meeting date for it to be considered, and please be aware that this man is an ex LDNPA planner so he knows full well what the rules are. The committee simply decided that it had to be deferred to the April meeting to consider revised plans, that is what the minutes say, and that is what the recording says, so you really should discard this red herring.*

*At the April meeting despite a member of the DCC trying his best to dismiss the opinions of the planning officer, the FLD, 86 objectors, and all of the core guidance, the planning committee decided that the provision of local occupancy houses (no affordable houses) was outweighed by the damage to landscape and form in that particular location. The planning committee voted for refusal on damage to landscape and form.*

*Mr Winter seeks to muddy the waters by comparing that application with Ian Armstrong's (7/2016/2219 - Land adjacent to Brackenrigg), which was approved without any 'affordable' housing. The planning officer made it clear from the outset that the two locations are entirely different, and has been consistent throughout Mr Cresswell's applications, in that as far as he is concerned none of Mr Cresswell's applications (including the later one with the affordable element) should be approved because in that particular location*

*the provision of housing (even with an affordable element) could not outweigh the damage to landscape and form. In other words it is another red herring and should be ignored.*

*When I spoke at the PC planning meeting and the September planning committee I said that Mr Cresswell had added the affordable element only with a view to getting the planning committee to decide that the provision of them could outweigh the damage to the landscape, and that once he had established that, that he would then try and find a way of not providing the affordable element.*

*The PC and the planning committee both ignored the guidance of the planning officer, the FLD, the 86 objectors, the core guidance, and gave him the benefit of the doubt, with the planning committee deciding after much debate that the provision of the affordable housing outweighed the impact on the landscape and form.*

*As the recording shows, the debate was long and difficult and was in no way as cut and clear as the 6 to 1 verdict would suggest. Every single one of those who voted in favour did so on the proviso that the head of planning was to approve the application subject to a section 106 being put on the two 'affordable' houses, a 30MPH speed limit, and a footpath through the field to the church road. Every one of them made it clear that if any of those conditions are not met that it must go back to committee.*

*As predicted Mr Cresswell has now thanked the PC and the planning committee for that by kicking sand in their face, and is appealing the previous refusal verdict so that he can wriggle out of the conditions. In the mind of Mr Cresswell and his agent the approval in September (albeit with conditions) proves that it is ok to build there and the landscape and form doesn't really matter, which is of course to totally twist the facts to suit their needs.*

*It is no coincidence that Mr Cresswell waited until after he won the second round (where he offered two affordable houses) to submit his appeal. If he thought that original decision was flawed and that he could win an appeal he would have done that rather than spending the money on revising the plans and having a second go. I believe Mr Cresswell never had any intention of providing affordable houses.*

*It is really simple. The planning committee refused the application in April on damage to landscape and form. In September they decided that the addition of the 'affordable' houses outweighed the damage to landscape and form, as long as the conditions are agreed and implemented.*

*Mr Cresswell has an offer on the table of approval with conditions, so even if you oppose the appeal he will get to build some houses. It is really just about how much money he makes, because this is and always has been a money making scheme, and very little to do with community benefit.*

*If you support his appeal you are effectively voting to not have, two affordable houses, a 30MPH speed limit, and a new public footpath through the field to better ensure the safety of pedestrians from the site.*

*Without a doubt the PC's 'no objection' to the 2017 application had a significant impact on the planning committees approval decision at the September meeting, and whilst it isn't possible for you to undo that damage (I don't believe that any of you thought it would actually be approved), what you can do is ensure that at the very least that he has to provide the affordable houses and the other conditions.*

*You have chance to heal some of the wounds that have been opened throughout all of this, please take it and object to his appeal.*

A number of other points were made by members of the public as follows:

It was noted that in the email from Mr. Cresswell he states that the subsequent application to the one being appealed should not be considered at the meeting tonight yet there are numerous references to the subsequent 2017 application in the appeal document submitted by Mr. Winter. It was further stated that the various arguments as put forward in the appeal document were in general unconvincing and contained nothing that would merit the overturning of the decision made by the Development Control Committee. The Clerk confirmed that all Councillors had received a copy of the appeal document as submitted to the Planning inspectorate by Mr. Winter on behalf of Mr. Cresswell.

The point made by Mr. Cresswell in his email that Local Occupancy clauses drive down the cost of houses making them affordable was disputed and it was stated that only social housing was truly affordable in the National Park. It was further stated that banks and building societies do not like lending on houses with local occupancy clauses thus restricting the number of people who can consider taking on a property with a local occupancy clause.

The view outlined in the email from Mr. Williams that the only reason for the appeal by the applicant was to try and 'ditch' the affordable housing element of the 2017 application that was approved was supported by many of those present and reference was made to the claim made in support of the 2017 application that there was a real need for affordable homes for shepherds.

The Chair ascertained that there were no further comments and asked each Councillor in turn whether they wished the Parish Council to support the appeal or oppose the appeal.

All the Councillors present stated that they felt the Parish Council should oppose the appeal as submitted by Mr. Cresswell as they could find no fault with the decision of the Development Control Committee and there was little of merit in the appeal document and nothing that would justify the refusal decision to be overturned. This view was unanimous.

**ACTION: The Clerk is to write to the Planning Inspectorate to provide them with the views of the Parish Council and a copy of the minutes from the meeting.**

**ACTION: The Clerk is to supply Mr. Cresswell with a copy of the letter to the Planning Inspectorate and the draft minutes when they are available.**

**ACTION: The Clerk is to send a copy of the letter to the Planning Inspectorate to the LDNPA Planning Officer.**

**85.17: Date of the next meeting:** Wednesday 3rd January at 7.30pm in The Yew Tree Hall

Signed: \_\_\_\_\_  
Chair

Date: \_\_\_\_\_