

# SKELSMERGH & SCALTHWAITERIGG PARISH COUNCIL

Chair: Mr. L. Procter

Development Plans Manager  
SLDC  
South Lakeland House  
Lowther Street  
Kendal  
Cumbria LA9 4DL

18<sup>th</sup> April 2011

Tel:  
e-mail

Dear Sir

**Local Development Framework land allocations:**  
**Land at Mealbank (ref: RN7)**

This proposed allocation of land has been the subject of much discussion and representations within the Parish.

It is therefore with great regret that Skelsmergh and Scalthwaiterigg Parish Council has been unable to formally and legally consider its response regarding the above site. This is because four of our seven Parish Councillors have prejudicial interests in the land. Councillors with prejudicial interests sought dispensations from the Standards Committee but these were rejected.

Despite our Councillors best efforts, prejudicial interests have prevented a quorate meeting of the Council to formulate and authorise a response to you. Consequently, to provide you with views held within the Parish I enclose minutes of an extraordinary meeting of the Parish Council held on 28 March 2011 which allowed parishioners and councillors to express their views. The meeting was inquorate for the reasons above. You have already received copies of written representations similar to that made to the Parish Council from local residents, including a petition.

I trust you will take these into account when deciding whether to allocate the land at Mealbank for development.

Yours sincerely

Mrs B Kell  
Clerk to the Council

BY E-MAIL TO: [developmentplans@southlakeland.gov.uk](mailto:developmentplans@southlakeland.gov.uk)

Encs.

## **Minutes of Skelsmergh and Scalthwaiterigg Parish Council**

Extraordinary Meeting held on 28 March 2011 at Skelsmergh Community Hall

### **Present:**

Cllr R Garner                      Cllr I Kell                      Cllr G Mitchell  
Cllr J Richardson

B Kell (Clerk)  
F Hodson (SLDC Councillor)  
Chris Holland (Candidate in SLDC elections)  
Members of public (approximately 20)  
D Clarke (appointed to take over as Clerk in April)

### **1. Apologies**

Apologies for absence at the meeting were received from:  
Cllr M Chapman              Cllr K McNicol              Cllr L Procter

### **2. Declarations of interest**

Cllr R Garner declared a personal and prejudicial interest in SLDC's Land Allocations with regard the land at Mealbank (ref RN7) as he owned and occupied property adjacent the site.

Cllr J Richardson declared a personal and prejudicial interest in SLDC's Land Allocations with regard the land at Mealbank (ref RN7) as he owned land which formed an access lane to the site.

Both Cllrs Garner and Richardson remained in the meeting as members of the public as permitted by paragraph 12(2) of the Code of Conduct.

### **3. Introduction and purpose of the meeting**

The Clerk to the Council opened the meeting at 7.30pm and reported that the Parish Council Chair, Cllr L Procter, had been taken into hospital.

The Clerk explained that South Lakeland District Council was preparing a Local Development Framework. As part of this process it had prepared a Land Allocation Map which identified sites where possible building may take place in the future. The purpose of the meeting was to discuss the identified site for residential development within the Parish Council area at Mealbank (ref. RN7).

The Clerk explained that the combination of apologies from councillors and prejudicial interests in the land at Mealbank meant that the meeting was inquorate and that no decision was possible on this issue.

### **4. Appointment of Chair for the meeting**

It was agreed that Cllr Kell chair the meeting.

## 5. SLDC Land Allocations – Land at Mealbank (ref RN7)

The Chair explained that the Council was invited to make comments to SLDC.

He explained that the Parish Council had received a submission from an Association of residents in Mealbank opposing the inclusion of the land. He stated that he viewed the document well argued and cogent and that Parish Council must take notice of this document. The document opposes development at the site on three grounds:

- it would substantially compromise the historic and rural character of Mealbank,
- alternative and more suitable sites were available in Kendal; and,
- the need for development on this site had not been demonstrated.

The Chair also highlighted the Parish Plan as a document relevant to the Parish Council's considerations and the need it identified for affordable housing. He highlighted the need of the Parish Council to follow correct processes and procedures and that the Council had to speak for the whole of the two parishes.

He believed that it was inevitable that green field development would be required to fulfil local housing need and that green field development had previously played an important part in providing homes, including those for young families, within the PC area.

Residents from Mealbank formally presented a petition opposing development of the site signed by 43 residents to support their document and that this represented virtually everyone in the hamlet.

It was reported that an application had been made by residents for conservation area status for the 'area of Victorian housing within Mealbank'; an application to have the Old School listed had also been made.

Residents argued that the affordable housing needs of the Parish Council area needed a more robust survey and that the Parish Plan made this an action point. Residents stated the Parish Plan provided other important aims that support the opposition to development at the site. Residents disagreed that development at the site could be classed as 'rounding off' or 'infill' and disagreed that previous green field development was a precedent for future green field development.

Cllr Garner (speaking in his capacity as a member of the public) believed development of the site would involve considerable costs and that this would mean it does not offer the opportunity for affordable housing. He was concerned that there would be a trade off, as stated by District Councillor Thornton, for affordable housing in Kendal meaning the site at Mealbank would not meet the aims and targets in the Parish Plan. Cllr Garner felt development would have a disproportionate effect on Mealbank.

Cllr Mitchell advised residents that they should include the statement made at the 7 February 2011 meeting of the Parish Council by Cllr Thornton – "*if people were against the proposal it would not go ahead*" - in the final document. Cllr Mitchell also suggested that the arguments against green field development should be moved to the end of the document as this would make the submission more effective. She was concerned at the extra traffic development would create.

Cllr Mitchell felt any development would not be suitable for young families due to cost. She pointed out that elderly people found it hard to be supported to live at home in rural areas unless family lived close by. Consequently, elderly people would move to more appropriate accommodation such as sheltered housing in Kendal.

A resident raised concerns over current problems with drainage and flooding. In Response Cllr Garner stated that it was implicit that some existing problems would have to be addressed if development went ahead. Cllr Kell stated SLDC's assessment of existing infrastructure identified that access to mains sewers would not be a problem; this was confirmed by Cllr Garner.

The meeting was asked if other possible sites had been put forward in the Parish. The Chair stated other sites had been considered but these had been ruled out at an early stage by SLDC. Councillors reported that the Parish Council had put no sites forward.

Mr C Holland advised residents to lobby as much as possible and to submit their documents independently as well as through the Parish council. He suggested that the Parish Council conduct a housing needs survey such as one done by Burneside PC. It was expressed this was problematic and it was pointed out that the Burneside survey had led to the proposed closure of Gowan Lea sheltered accommodation unit.

The meeting was informed that the deadline for consultation responses from members of the public was 15 April 2011; the deadline for the Parish Council was 21 April 2011. The Parish Council could next consider the issue at a meeting on 11 April 2011. The Council could decide to make a response only if the three members of the Council without prejudicial interests were present.

It was reported that as over half the Council had prejudicial interests, under paragraph 17(1)(a) of the Standards Committee (Further Provisions) (England) Regulations 2009, those councillors could apply for a dispensation from the Standards Committee of SLDC. If granted to a councillor, this would allow him to take part and vote in any formal decision on the site whilst the dispensation applied. (*Note: it has been subsequently confirmed that this will not be possible before the meeting of 11 April 2011*)

**6. The Chair closed the meeting at 9.00pm**

**7. Date of next meeting:**

11 April 2011 at Skelsmergh Community Hall starting at 7.30pm.