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SL/2004/0301

SKELSMERGH: HIGH THORNS FARM, WATCHGATE, KENDAL

PROPOSAL: Agricultural workshop & feed store

Cragg, Crawford, Lohr

SUMMARY:

In the light of further agricultural advice the building, as now proposed, is considered acceptable.

PARISH COUNCIL:

Comments to be received by 13 April 2004.

HISTORICAL CONTEXT:

In October 2001 a Notice of Intention was submitted for a 24.5 metre x 6.1 metre building which would be 4.6 metres to its eaves and 6.1 metres to the ridge and was to be sited to the north of the major modern agricultural building at High Thorn. During construction it became apparent that the building being erected was in a different position and greater dimensions (7.9 metres x 17.9 long) and two storeys in height (6.1 to eaves and 8.4 metres to ridge). It was said to be intended as a grain store. An enforcement notice was served and a retrospective planning application refused permission. An appeal against the notice was dismissed after an inquiry. The Inspector was concerned about the excess and obtrusive height which from the east breaks the skyline. He felt that the two floors of opening increased the impact and gave an appearance of a dwelling rather than a farm building. At the inquiry site visit the appellant made an offer to reduce the building by an unspecified amount. The Inspector thought this would have some benefit but was imprecise and not enough to adequately mitigate the visual impact. He did not feel that the external openings and first floor were justified in functional terms and that the internal sub-divisions created built-in obstructions. He felt that the status of the outstanding 2001 Notice of Intention building needed to be clarified and that given that there were different elements of land-ownership there need to be some means of assuring the appeal building continued to meet functional, agricultural needs. Following this appeal a fresh application was submitted from the joint owners of the farmland and farm enterprise proposes modification of the partially completed building as a grain store and machinery shed. The eaves height would be reduced by 2 metres to 4.10 metres with a height to the ridge of 6.865 metres. This would remove first floor openings on the two main elevations. The agent referred to the retention of a loft to create boarded hoppers while the farmer has referred to fitting grain silos/hoppers into the highest part of the building. More explanatory details of this and cross-sections were requested and the retention of the double doors on the rear elevation questioned. The submission showed the re-erection of a former northern projection of the adjoining building to the south. Permission was again refused and an appeal dismissed. The Inspector considered it not then necessary to question the site and footprint of the proposal and commended the reduction to a single storey and the removal of many of the openings. However, he agreed with previous arguments that an internal dividing wall and a ground floor of restricted height limited the range of agricultural activities. He pointed
out that a traditional, open framed building would provide long-term flexibility and need not be investigated together with any lingering doubts on siting.

An Enforcement Notice required the building’s removal by 1 November 2003. This has not been done and the applicant was recently successfully prosecuted.

DESCRIPTION & PROPOSAL:
The current application proposes the retention, in a reduced form of the building remains on-site. The internal dividing wall would be removed and the building would stand 4.1 metres to its eaves with a ridge height of approximately 6.9 metres. The only openings would be two pairs of double doors on the frontage.

POLICY ISSUES:
The site is within an area of County Landscape Importance. Policy 12 of the Structure Plan prohibits development considered to be detrimental to the character of sites within Landscapes of County Importance.

Policy S24 of the Local Plan permits new agricultural buildings which have no significant impact on landscape, amenity and conservation interests.

It is also relevant to consider whether the proposal meets the Inspector’s objections and concerns.

ASSESSMENT:
While offered as a proposal to meet the comments in the last appeal decision the proposal still represents a further minor modification. It does not follow the Inspector’s comments relating to an open frame building nor advance any explanation as to why such a building would not be suitable. Further commentary from the agents has been sought concerning the holding which justifies this building. Guidance on the nature of the use in the form now shown was received from Lancashire County Council, but left unclear aspects about the precise siting and the fact that stock was owned not by the farmer but others. The Committee at its May meeting requested further, clearer guidance from Lancashire County Council Land Agents on these aspects. Such advice has now been received and clearly accepts that the site is suitable to meet the need and that the need is not affected by the ownership of the stock. In the light of this advice permission could only be challenged with respect to the fundamentals of the design. The only outstanding issue relates to the restricted ground floor headroom which the applicant claims is required to hold the grain at a higher level for milling at ground floor.

REASON FOR GRANTING PLANNING PERMISSION:
The building, as now proposed, would comply with Policy 12 of the Cumbria & Lake District Joint Structure Plan and Policy S24 of the South Lakeland Local Plan.

RECOMMENDATION: GRANT subject to:-

Condition (1) Before the building hereby permitted is first used it shall be modified in accordance with the submitted plans by the removal of the internal dividing wall, the closure of all openings apart from the two entrance doors shown on the west elevation, the reduction of the eaves height to 4.1 metres and the reduction of the ridge height to 6.9 metres and the covering of the roof with a dark coated steel and the building shall thereafter be retained in that form.

SUMMARY:
Erection of a building for Kendal Judo Club on land which is being redeveloped for sports use. The main issues with the proposal are the parking and materials.

KENDAL TOWN COUNCIL:
Refusal – Design inadequate and materials inappropriate

HIGHWAYS CONTROL OFFICER:
No objection.

ENVIRONMENT AGENCY:
Recommend condition requiring a desk study into land contamination.

SPORT ENGLAND (NORTH WEST):
Sport England support the development, which it considers to be of considerable benefit to sport.

DIRECTOR OF CUSTOMER SERVICES (Environmental Protection Group):
Recommend conditions to deal with potential land contamination.

OTHER:
Three letters of comment have been received, raising concerns about the lack of parking especially on competition/tournament days; appearance of the building; and impact on the wider redevelopment of the site.

HISTORICAL CONTEXT:
Permission was granted in November 2001 (reference 5/01/2289) for floodlit sports pitches, changing pavilion and associated access road and car parking. The changing pavilion was shown on part of the area of land which the Judo club now propose to build, but was withdrawn from the scheme after permission was granted.

A condition on this permission ensured that 40 car parking spaces shall be provided beside the changing pavilion and on the land which the Judo Club now wish to build. Although the changing pavilion has been
removed from the scheme, no planning application has been submitted to remove the condition about the parking. The permission for the sports pitches cannot therefore be completed in accordance with the conditions if the judo club goes ahead.

DESCRIPTION & PROPOSAL:
The design has been changed numerous times. Currently submitted the plans show a building measuring 44 metres in length, 23.5 metres in width and 5.5 metres in height. 35 car parking spaces are provided around the building.

The proposed materials are a profiled metal roof (possibly Steadmans S2000 which Members were shown on site visits for Moss Hall Farm, Carr Bank), and a smooth rendered finish with scratched panel design. There will be a local stone plinth around the base of the entire building. A ‘torii’ arch is to be provided at the entrance, providing the Japanese link to the building.

Landscaping is proposed around the building.

POLICY ISSUES:
Policy L3 of the Local Plan refers to the provision of new facilities in the district.

Policy L4 of the Local Plan indicates that the site is suitable for recreational facilities.

ASSESSMENT:
The Judo Club are currently located on Highgate but have to be out of their current premises by March 2005 and are keen to reach a positive conclusion to this application.  The use of this site for the Judo Club building would appear to accord with the Council’s policies and would enhance Kendal’s facilities overall, especially as the building would accommodate three Olympic sized judo mats as well as seating for tournaments.

The parking has been increased from 10 spaces to 35, which nearly meets the requirement for the 40 set down by the previous permission for the entire site. The agents have advised that coach parking and overspill car parking is available at the Leisure Centre as part of a long standing arrangement, but adequate turning space has been provided for coaches on the site to allow people to be dropped off, and the former canal provides a suitable pedestrian link between the two buildings. The Highways Authority are not objecting to the proposal.

The design has been a consistent issue with this proposal as the Judo club has a fixed sum of money available for the build, and they do not want to significantly overspend this. A letter from the agents has been submitted outlining the money available, and while they admit the currently submitted plan is over budget, they are willing to carry on with the project with a limited amount of debt.

The current design does differ from that shown to Members on the site visit, and the building will now have a more traditional appearance. It is important that the Judo Club are aware that further amendments may not be acceptable and that the building currently submitted will be the building that shall be built, if granted permission.

Sample materials can be required through a condition to ensure the materials are appropriate.

REASON FOR GRANTING PLANNING PERMISSION:
The proposed building would be providing a new leisure facility for Kendal and would be located in a recreational area. The design is considered appropriate as it mimics local materials and therefore the proposal is consistent with the aims and objective of Policies L3 & L4 of the South Lakeland Local Plan.

RECOMMENDATION: GRANT subject to:-
Condition (1) The development hereby permitted shall be commenced before the expiration of
FIVE YEARS from the date hereof.

**Reason (1)** To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

**Condition (2)** This permission shall be completed in accordance with the amended drawings reference 2052A(0) 03A and 2052(A) 03F submitted on 16 September 2004, and the letter from the agents dated 22 September 2004.

**Reason (2)** To ensure the building is completed in accordance with the scheme approved by Members.

**Condition (3)** Prior to the commencement of development on site, samples of all materials shall be submitted to and approved in writing by the Local Planning Authority. The building shall then be constructed with such materials as have been agreed.

**Reason (3)** To ensure the materials are appropriate in the setting.

**Condition (4)** No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained. The scheme, once approved, shall then be carried out in the first planting season following completion of or occupation of the building commencing, whichever comes first.

**Reasons (4)** To ensure a comprehensive scheme of landscaping is carried out to enhance the area surrounding the building.

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SUMMARY:
Erection of dwelling within the garden of a dwelling in an established residential area. Objections have been raised on appearance and access to the property.

KENDAL TOWN COUNCIL:
Comments to be received by 11 August 2004.

HIGHWAYS CONTROL OFFICER:
Recommends conditions.

OTHER:
4 letters of objection have been received. The main concerns are:
- The current property is very run down and in need of repair
- The proposed house is not in keeping with the rest of the street
- Parking is already difficult in the street and a new house will make this worse
- The proposed house is over development of the site.

HISTORICAL CONTEXT:
Outline permission was granted in 1989 (5/89/0562) and 2001 (5/01/0283) for a dwelling on this site. The latter permission lapsed on 21 March 2004. There were no objections to the outline application.

DESCRIPTION & PROPOSAL:
The proposed site is of a comparable size to other plots in the road, and will leave the existing house with a similar sized garden to others.
The plans which have submitted show a two-storey house, with a high roof in order to accommodate a further room in the loft space. The house is larger than other houses on the street, but has a footprint of 8.3 metres x 9.8 metres. materials are slate roof and dry dashed walls. A conservatory is proposed on the rear elevation.
Two parking spaces will be provided in the front garden area and there will be a drive to the north west of the property leading to an existing garage at the rear of the site.
POLICY ISSUES:
Policy H4 allows for small-scale residential development in Kendal, subject to satisfactory details of density, siting, layout, landscaping and access.

HUMAN RIGHTS ACT:
The provisions of the Act are relevant in so far as they relate to the right to respect for private and family life and the peaceful enjoyment of property.

ASSESSMENT:
The principle of a dwelling on this site has been established previously, and Kendal is one of the settlements allocated for development under the new housing policies.

The proposed house design is too large and the applicant has been asked to reduce the roof span so that the house appears similar to others in the street. The house is also shown to be very close to number 15 Haliburton Road and this could lead to an overbearing development. The materials and size of the house are considered acceptable on this piece of land.

These issues have been discussed with the applicant and amended plans are to be submitted, but had not been received at the time of writing the report. These amended plans will be reported to Members at the Committee.

On the issue of parking, Haliburton Road is an unclassified road and the formation of a new access does not require permission. Most properties on the road have a drive for off-road parking. The proposed house will have two designated off-road spaces and a long drive. There is more than adequate parking for the dwelling, and although it will mean that cars belonging to other residents or visitors cannot be parked along this section of road (about 11.5 metres) in front of the drive and spaces it should not significantly increase parking problems.

RECOMMENDATION:
That Members are advised of the outcome of the negotiations about design and siting.
SUMMARY:
Negotiations are in progress to resite the building into a less prominent position.

EGTON WITH NEWLAND, MANSRIGGS & OSMOTHERLEY PARISH COUNCIL:
Comments to be received by 16 August 2004.

OTHER:
Eighteen letters of objection have been received to this proposal. Of these eight were made about the original proposal and a further ten letters have been received commenting on the amended plan. The points raised can be summarised as follows:

- Change in rural aspect.
- It will change the character and appearance of the allotments.
- Excessive in scale.
- The design of the log cabin is out of keeping with the surrounding buildings.
- Overbearing and over-development of a traditional garden site.
- Potential for residential habitation of the building.
- Precedent for future development.
- Loss of view especially towards the Hoad Monument and Birkrigg Common.

DESCRIPTION & PROPOSAL:
Planning permission is sought for the erection of a summerhouse building on a small area of garden land which lies in front of a terrace of houses at Rosside.

The proposed summerhouse is to be constructed of timber and its appearance resembles that of a log cabin. The original summerhouse was to measure 5 metres in length and 3.8 metres in width. Following discussions with the applicants the scale of the proposed structure has been reduced. The summerhouse now proposed will measure 3.8 metres in length and 3.2 metres in width. The pitched roof is to be covered in felt and extends up to a height of 2.3 metres at its apex. The roof includes a 1.2 metres overhang above the entrance door.
The summerhouse is to be sited on the southern boundary of the garden adjacent to the minor road which runs through Rosside.

POLICY ISSUES:
Policy S2 of the Local Plan expects new developments to take account of the South Lakeland Design Code in terms of local character and the setting and context of new buildings.

The application is within an area designated as a Landscape of County Importance in the Structure Plan. Policy 12 of the Structure Plan prohibits development detrimental to the character of Landscapes of County Importance.

HUMAN RIGHTS ACT:
The provisions of the Act are relevant in so far as they relate to the right to respect for private and family life and the peaceful enjoyment of property.

ASSESSMENT:
The applicants have reduced the scale of the proposed summerhouse in an attempt to overcome the concerns raised by the local residents. They have also agreed to stain the building a dark colour and incorporate screening adjacent to the summerhouse in an attempt to reduce its visual impact in the local area.

Whilst the site is open and highly visible from the adjacent highway there are a number of sheds and greenhouses on the adjoining areas of garden. The scale of the proposed structure is not considered to be excessive in comparison to these other sheds.

The main issue relates to the style or design of the building which does not resemble a conventional garden shed.

The applicants have been asked if the structure could be moved further away from the site boundary which would reduce its impact when viewed from the road. Confirmation has also been sought that the use of the building would be for an ancillary domestic purpose only.

Photographs and a photomontage will be available to aid Members in their assessment of the impact of this building within the local area.

RECOMMENDATION:
The Assistant Director (Development) to report on the applicant’s response.
SL/2004/0930
ULVERSTON: LAND ADJACENT TO YORK HOUSE, CHURCH FIELDS AVENUE, ULVERSTON
PROPOSAL: DEMOLITION OF EXISTING DWELLING & ERECTION OF REPLACEMENT DWELLING
MR & MRS TINNING

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SUMMARY:
The principle of constructing a replacement dwelling on this site is acceptable. Negotiations are in progress to reduce the impact of this proposal upon the adjoining property.

ULVERSTON TOWN COUNCIL:
Approve subject to the views of neighbours being taken into considerations.

HIGHWAYS CONTROL OFFICER:
The plans must include some protection for pedestrians to the west of the access on Church Fields Avenue. The access and turning area must be permanently available to both properties and the first 5 metres must be ungated.

OTHER:
5 letters of objection and 1 letter of comment have been received which raise the following concerns:
- unneighbourly due to the proximity to the adjoining residential property
- loss of light and privacy
- intrusive and overbearing
- out of scale with the existing house
- out of keeping with the character and appearance of the area
- access and highway safety concerns
- increase in traffic in a quiet cul de sac
- loss of two trees.
A further six letters of objection have been received in response to the amended plan which raise the same concerns.

HISTORICAL CONTEXT:
Outline planning permission was approved for the erection of one dwelling on the land to the rear of 17 Church Fields Avenue in 2003. The site already contained a bungalow and a house (which was approved in 1988) at that time.

This application was deferred at the last meeting to enable Members to visit the site.

DESCRIPTION & PROPOSAL:

Planning permission is now sought for the demolition of the existing bungalow and its replacement with a two storey dwelling. The proposed dwelling is to be constructed of rendered blockwork walls and a tiled roof and has been designed to accommodate accommodation within the roofspace to ensure that its height is minimised. The existing dwelling is directly on the northern boundary of the site adjacent to 17 Church Fields Avenue. The proposed replacement dwelling is to be moved off this boundary by 1 metre although it is to be sited further to the south west in order to allow sufficient space to provide two off-road car parking spaces in front of the proposed garage. This together with a single storey lounge which is to project from the elevation of the proposed dwelling will be directly in front of an existing window relating to the adjoining property. An amended plan which incorporates a hipped roof has been submitted in an attempt to reduce the impact upon the adjoining residential property.

A two metre high wall is to be retained along this northern boundary to the site between the two dwellings.

POLICY ISSUES:

The site is located within the Development Boundary of Ulverston and as such Policy H4 of the South Lakeland Local Plan is relevant. Policy H4 of the Local Plan supports small-scale residential development in Ulverston and Kendal providing that it does not remove important open space.

Planning Policy Guidance 1 outlines that neighbourliness is one of the yardsticks against which development proposals can be measured.

HUMAN RIGHTS ACT:

The provisions of the Act are relevant in so far as they relate to the right to respect for private and family life and the peaceful enjoyment of property.

ASSESSMENT:

The replacement of the existing bungalow with a dwelling is acceptable in terms of Local Plan policy and the design is considered to be appropriate to this location. The main issue raised by this application relates to the impact upon the adjoining residential property to the north.

Members gave a clear indication at the site visit that they considered that the proposed replacement dwelling would exert an unacceptable impact upon the adjoining property.

Following subsequent discussions with the applicant’s agent it is anticipated that a revised scheme will be submitted prior to the meeting which restricts the proposed dwelling to the footprint of the existing building. This resiting is likely to significantly reduce the impact on the neighbouring property.

RECOMMENDATION:

The Assistant Director (Development) to report on the outcome of the negotiations with the applicants agent.
SUMMARY:
In principle, the provision of playing fields on this site is acceptable.

HOLME PARISH COUNCIL:
Whilst it is noted that this particular application is purely for change of use from agricultural land and whilst the Parish Council has no objection in principle to that proposal, comment upon various other aspects of this site and its proposed use in the future as suggested in the letter from Barden Planning Consultants do need clarification.

1. The Parish Council has been approached by the resident of No 1 City o’ Pinch. The Parish Council agree entirely that the northern boundary should be no closer than 50 metres from the boundary of No 1 City o’ Pinch.

2. If the northern boundary were to be situated 50 metres from this residence then there is room for two football pitches, changing rooms and car parking – what would not be available is sufficient area to build further sports and community facilities on this field as appears to be the present suggestion.

3. Further, the Parish Council agrees that proper access and car parking should be in place prior to any use of this field for recreational purposes.

4. The comments regarding the blocking of the existing access to the field and planting of trees and shrubs are also agreed by the Parish Council.

5. It would appear that negotiations over this land have been taking place for several years now but at no time has the Parish Council been directly involved in discussions with either the owner of the field or representatives of the Football Club although it is implied that such negotiations have taken place. This application is the first concrete evidence that has been received by the Council that this scheme is in hand. However, some three years ago the Parish Council was advised by South Lakeland District Council Planning during discussions on the proposed recreation area at Pear Tree Park that this field had been offered to the Football Club. This point was raised again at a further meeting with Planning and at that time the representatives of the Parish Council who were present confirmed that the Council would not be interested in managing the field or any facilities built thereon.

6. The Parish Council does not intend to relinquish the land allocated on Pear Tree Park development even if this field at City o’ Pinch is donated to the Football Club for its use and for other recreational facilities.

Following the publication of the report presented to the Committee last month, the Parish Council wish to stress the following points:
(a) The Parish Council notes that this playing field is intended to replace the 1.5-hectare of land allocated for playing field use adjacent to Pear Tree Park. The Parish Council has stated, and has received verbal confirmation of the same, that the area of land on Pear Tree will be maintained as a playing field, even if the present area is only mown regularly, as there is every possibility in future that this might be required for use as another bowling green, tennis courts or even a skate boarding area. None of these activities could be accommodated on the land at City O’Pinch and at no time has the Parish Council considered any “trade off” for the land at Pear Tree Park.

The Parish Council has also been assured on more than one occasion that under no circumstances would further housing be allowed on the area allocated as playing field on Pear Tree Park.

(b) The Parish Council is not prepared to accept the playing field at City O’Pinch as a substitute for the playing fields allocation at Pear Tree Park. This is not a course of action which would find favour with the Parish Council. The land at Pear Tree Park is covered by Policy L4 of the Local Plan and the Parish Council has been given to understand that at no time would there be any likelihood of removal of this Policy in respect of this land.

HIGHWAYS CONTROL OFFICER:
The new access from Burton Road could be welcomed if it served both 1 and 2 City o’ Pinch which would enable the existing sub-standard access to be closed off.

BRITISH WATERWAYS:
No objection in principle.

HOLME COMMUNITY CENTRE:
As a voluntary group working for improved community facilities in Holme, the Community Centre believes the project to be in the best interests of the village.

WARD MEMBER:
The following observations are made by the Ward Member:
1. The provision of a much-needed facility for Holme is to be welcomed.
2. The provision of the playing field at City O’Pinch should not affect the status of the recreational area at Pear Tree Park.
3. The vehicular access should not share that which currently serves City O’Pinch because of the poor visibility at the junction with Burton Road.
4. The occupants of 1 City O’Pinch would like to see the football pitch sited some 50 yards from his property.

OTHER:
Three letters of objection have been received. The major grounds of concern can be summarised as follows:
- lines of vehicles entering or leaving the playing field will cause queues up to the canal bridge giving rise to hazardous road conditions for other road users
- planning permission for a dwelling here has been refused three times in the past
- drivers on the M6 are likely to be distracted by intermittent shouting from fans
- there is the danger that footballs will be kicked on to Burton Road and the M6
- the use of the playing fields by large numbers of visitors will result in increased noise nuisance and loss of privacy for the occupiers of Primrose Bank and Wharfedale House
- the village already has football and cricket pitches, a bowling green and playing fields which are central to the village and involve minimal traffic generation.

Two letters of comment have also been received. In one, concern is expressed over the road safety aspects of the proposed vehicular access on to Burton Road. A second letter suggests a number of modifications to lessen the impact of the development on the property to the north, City o’ Pinch. The suggested modifications are as follows:

1. That the northern boundary of the pitches does not extend closer than 50 metres from the boundary of 1 City o’ Pinch. This restriction would allow for two full sized football pitches, a club house and car park within the remaining land.
2. There should be no access on to the playing field other than the one proposed and the existing opening off the present access road should be blocked-up.
3. Along the 50 metre line a hedge including deciduous and evergreen trees and shrubs be planted.
4. That the playing fields should not be used for sports activities until a car park and the access road is constructed. If the field is used without proper access and car park, the access road to City o’ Pinch will be blocked by players/and or spectators.

HISTORICAL CONTEXT:

Consideration of this application was deferred at last month’s meeting to enable Members to visit the site and to seek clarification of certain details from the applicant’s planning consultant.

DESCRIPTION & PROPOSAL:

The proposed playing field is to be provided on grazing land on the eastern side of the village. It extends to 2.9 hectares and is bounded to the east and west by the M6 Motorway and the Lancaster Canal respectively. To the north are two houses known as City o’ Pinch and to the south are residential properties, including Primrose Bank, a terrace of five houses. A new vehicular access is proposed from Burton Road adjacent to Primrose Bank but details of the access or the car park have not been submitted with this application.

It is understood that the playing field is intended to replace the 1.5 hectares of land allocated for playing fields use adjacent to Pear Tree Park. This allocation is covered by Policy L4 of the Local Plan but no work on its provision as playing fields has yet been commenced. Members will note that the Parish Council does not support the provision of playing fields at City O’ Pinch as a substitute for the playing field allocation at Pear Tree Park. At a meeting in June, the Parish Council confirmed that they would be content if the grass on the Pear Tree Park playing fields allocation was mown regularly with the facility for the provision of other uses in the future.

POLICY ISSUES:

The site is outside the development boundary of Holme. Policy L3 of the Local Plan covers the provision of new facilities for sport and recreation and reads as follows:

“In the larger settlements and villages the District Council will give favourable consideration to proposals for the improvement or the provision of new facilities for sport or recreation to meet the needs of the local community, where all the following criteria are satisfied:

(a) there would be no adverse effect on the quality and character of the landscape;
(b) there would be no detrimental impact on nearby residential amenity by reason of noise, disturbance and illumination;
(c) satisfactory access and car parking arrangements can be achieved and the facilities are accessible to all potential users;
(d) the scale, design and location of the facilities would be in keeping with the appearance, character and setting of the village or larger settlement;
(e) the proposal would not conflict with aims to protect existing business premises or land; and

(f) where practical, the access and facilities are designed to meet the needs of disabled people.”

The land adjoining the Pear Tree Park residential development is allocated for playing fields use under Policy L4 of the Local Plan and is illustrated on the Proposal Map for Holme.

The City O’ Pinch application site is outside the development boundary for Holme as defined by the Local Plan. It is not, however, within an area designated as a Landscape of County Importance. If Members are minded to grant planning permission, the application will have to be advertised as a departure from the Local Plan.

HUMAN RIGHTS ACT:

The provisions of the Act are relevant in so far as they relate to the right to respect for private and family life and the peaceful enjoyment of property.

ASSESSMENT:

It is understood that part of the application site was formerly used as a football pitch but it is not known when this use ceased.

In principle, the establishment of playing fields on this site between the canal and the motorway embankment is acceptable. Members are, however, advised that this submission is lacking in detail in relation to the access and its junction with Burton Road, car parking and the erection of buildings in connection with the playing fields use. The applicant wishes to establish the acceptability or otherwise of the proposed use so that he might establish a charity in order that the land might be dedicated for use by the public. Members may prefer some detail to ensure the safety of the vehicular access and whether measures of mitigation might be undertaken to lessen the impact of the playing fields on neighbouring residents.

Members will also need to consider whether they are prepared to accept the playing field at City O’ Pinch as a substitute for the playing fields allocation at Pear Tree Park; a course of action which would not find favour with the Parish Council. Alternatively, the Committee may conclude that the establishment of a playing field at City O’ Pinch does not, in itself, remove the requirement for the provision of playing fields alongside Pear Tree Park as required by Policy L4 of the Local Plan.

The applicant’s consultant has been asked to confirm whether or not the establishment of playing fields at City O’ Pinch is intended to be a substitute for the land allocated for playing fields use at Pear Tree Park. Clarification is also being sought over a number of other details.

RECOMMENDATION:

The Assistant Director (Development) will report on the issues raised at the site visit and the additional details sought from the applicant.

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SUMMARY:

This application raises issues relating to the potential loss of a public vista from within the village across the tarn.

URSWICK PARISH COUNCIL:

Comments to be received by 16 August 2004.

OTHER:

One letter of objection has been received which raises the following concerns:

- Over development of the site.
- Over development and unnecessary infilling within the village of Great Urswick.
- Loss of significant public view to Urswick Tarn the historic church from Weint Lane public footpath and Church View Road.
- Two previous applications for development on this site have been refused and dismissed on appeal.

HISTORICAL CONTEXT:

Planning Permission was refused in both 1985 and 1995 for the erection of a dwelling on this site. Both of these proposals were subsequently dismissed on appeal as both Inspectors considered that the loss of the public view across the tarn would have a detrimental impact upon the character and appearance of this part of the village.

A Lawful Development Certificate which was granted in 1998 established the use of this land as a domestic garden.

Planning permission was granted for the erection of a first floor extension, a porch and a conservatory in 1999.

DESCRIPTION & PROPOSAL:

This application relates to Tarn Close Cottage, a detached property which is located on the northern edge of Urswick Tarn. Planning permission is sought for the erection of an extension on the eastern elevation of the house to provide a car port. The car port is to have a double pitched slate roof which is to be supported on timber posts. It will provide a covered area of approximately 36 square metres which is currently occupied by a hard-standing that can accommodate two vehicles.
POLICY ISSUES:
Policy S2 of the South Lakeland Local Plan expects new developments to take account of the South Lakeland Design Code in terms of local character and the setting and context of new buildings.

Important open spaces within settlements are generally to be protected from development under the terms of Local Plan Policy S4. This policy states that in addition to the key important spaces allocated within the Local Plan, other unspecified sites, such as private gardens, may also be judged to form important open spaces on their merits as development proposals arise.

HUMAN RIGHTS ACT:
The provisions of the Act are relevant in so far as they relate to the right to respect for private and family life and the peaceful enjoyment of property.

ASSESSMENT:
The proposed car port extension is of a sympathetic design and is to be constructed of traditional materials. The main issue raised by this application relates to the impact of this proposal upon the view of Urswick Tarn. The wholesale development of this site has been resisted in the past as it was considered that this open parcel of land contributed to the character and appearance of the northern part of the village as it permitted a view of the tarn. This stance has been supported by two separate Inspectors on appeal.

The applicant acknowledges the importance of the view across the site of the tarn. In an attempt to partially retain this open aspect he has kept the width of the extension to 6 metres and he has also agreed to an open sided structure. If permitted the extension would block approximately 50% of the open vista across the site to the tarn. It could be argued that this view cannot be fully protected as the land forms part of the applicant’s garden area and as such he could erect various outbuildings and other structures as permitted development without planning permission.

Both photomontage and photographs will be presented at the meeting to illustrate both the existing view of the tarn and the impact of this extension upon that view to aid Members’ consideration of this proposal.

RECOMMENDATION:
The Assistant Director (Development) to discuss the issues raised by this application.
SUMMARY:
A single garage on this site represents an acceptable form of development.

HOLME PARISH COUNCIL:
It is the opinion of the Parish Council that the proposed garage adjacent to the wall of Green Farm on Duke Street is out of keeping with the rest of the village centre.

Recent barn conversions in the area are extremely well carried out and in sympathy with the other buildings in the village and it is considered that if this garage is built it will spoil the view of one of the oldest farmhouses in Holme. A considerable amount of work has been carried out in the past few years to improve the village centre and it is important to the residents that this area retains its present village atmosphere. A garage built in the proposed location would not meet these requirements.

If it is considered essential that this garage be built then it should be constructed of materials entirely in keeping with the other buildings in this area.

OTHER:
One letter of objection has been received in which it is argued that permission should be refused for the following reason:
- The construction of the garage will compromise road safety because of the difficulties which will be encountered in manoeuvring vehicles in and out of the building.
- Part of the site is owned by an adjoining neighbour and the garage will encroach on the turning area used by Green Farm and the adjoining property Holly Cottage.
- The building of the garage will necessitate the felling of an attractive cherry tree.

One letter of comment has also been submitted in which it stated that the use of the garage should not involve vehicles manoeuvring on the forecourt of the adjoining properties, Saddler’s Fold and Green End Barn.

HISTORICAL CONTEXT:
To be reported.
DESCRIPTION & PROPOSAL:
The application site is in the centre of the village. A single garage is to be erected on the Duke Street boundary and in front of the former farmhouse known as Green Farm. Adjoining Green Farm is Holly Cottage and a substantial former barn now converted into two dwellings and known as Saddler’s Fold and Green End Barn. These four properties are set well back from Duke Street and the intervening ground is used as garden ground and for vehicle parking and manoeuvring.

The proposed garage is to be built close to the Duke Street boundary in front of Green Farm. It is to be built on land which forms part of the parking/turning area for both Green Farm and Holly Cottage. The garage has a ground area measuring 6.5 metres by 3.25 metres and will stand 3.5 metres to the ridge. The two side walls (one of which faces Duke Street) are to be faced with limestone and the gables completed with a rendered finish. The roof is to be covered with slate.

POLICY ISSUES:
Road safety and the protection of residential amenity are material considerations in the determination of planning applications.

On the subject of design and appearance, Policy S2 of the Local Plan requires all new development to take account of the South Lakeland Design Code.

HUMAN RIGHTS ACT:
The provisions of the Act are relevant in so far as they relate to the right to respect for private and family life and the peaceful enjoyment of property.

ASSESSMENT:
A single garage built using traditional materials would not be significantly out of place on this site within the centre of Holme, notwithstanding its prominent position in front of an attractive range of stone buildings and alongside Duke Street. It has, however, been suggested to the applicants that the whole of the garage be faced with stone rather than the two side elevations as proposed. Secondly, although the garage is to be built near to the vehicular access from Duke Street there is sufficient space available to avoid the need for vehicles to manoeuvre on the public highway.

The allegations made by a neighbouring resident, that the garage is to encroach on land outside the applicants’ control is being investigated.

RECOMMENDATION:
The Assistant Director (Development) will report on the outcome of negotiations.
SL/2004/1009

KENDAL: LAND OFF NEWBIGGIN, HALLGARTH, KENDAL
PROPOSAL: ERECTION OF SIX DWELLINGS
HOME HOUSING ASSOCIATION

3502067

SUMMARY:
An application for reserved matters approval following the grant of outline permission earlier this year for the erection of 6 houses. No objections have been received, but the outline permission was a Committee decision and for consistency it has been brought back before Members.

KENDAL TOWN COUNCIL:
Approval – adequate landscaping to all boundaries

HIGHWAYS CONTROL OFFICER:
Concerns are expressed about the visibility splays required in order for the road to be adopted and also the needs for traffic claming measures.

ENVIRONMENT AGENCY:
No comments.

HISTORICAL CONTEXT:
Permission was granted under reference SL/2004/2361 at the March Committee. There were objections from nearby residents about loss of open space and privacy and impact of more houses amongst other issues.

DESCRIPTION & PROPOSAL:
The proposed dwellings incorporate four three-bedroom houses and two four-bedroom houses. All have a garden and allocated parking or drive. There are also two dedicated visitors spaces.
The houses are two-storey with a wet dash and concrete tiled roof finish. Windows will be stained timber. They are of a simple design, appropriate to the locality. There will be a 1.8 metre high timber boarded fencing around the edge of the gardens and beside the footpath which borders the site.
POLICY ISSUES:
The site is located within the development boundary of Kendal and is a brownfield site. Policy H4 of the South Lakeland Local Plan 2006 relates to small-scale residential development in Kendal and Ulverston. Residential development will be permitted on suitable small sites within the development boundary, provided this does not result in the loss of important open space. Planning permission will be subject to the submission of satisfactory density, siting, layout, landscaping and access details.

HUMAN RIGHTS ACT:
The provisions of the Act are relevant in so far as they relate to the right to respect for private and family life and the peaceful enjoyment of property.

ASSESSMENT:
The housing layout has been designed to minimise any overlooking or overshadowing to nearby residential properties, however the applicants have been asked to increase the distance between house 4 and the adjacent, existing bungalow, to try and prevent too much overshadowing. They have agreed to do this and amended plans are awaited.

There is sufficient parking for the houses and in some cases, more than average garden sizes.

There are still concerns outstanding regarding the visibility and traffic calming measures. The applicants advise they have been in contact with the Highways department directly to try and resolve the matter and amended plans showing changes are awaited. The main concern about the visibility from the new access onto the existing road, can be overcome as the existing boundary wall which interferes with the visibility splay is adjacent to a highway and therefore to raise its height would require planning permission. In this way the visibility splay can be maintained.

The loss of the garage site and some open space has already been discussed and agreed at the outline stage.

RECOMMENDATION:
The Assistant Director (Development) to report on the outcome of negotiations about re-siting of house 4 and traffic calming measures.
SL/2004/1040

LOWER ALLITHWAITE: LAND AT BLENKETT FARM, JACK HILL, ALLITHWAITE, GRANGE-OVER-SANDS
PROPOSAL: ERECTION OF THREE DWELLINGS
Anglostake Ltd

5700261

SUMMARY:
The original scheme would have an adverse impact on the amenities of neighbouring occupiers. However, amended plans addressing these concerns are anticipated.

LOWER ALLITHWAITE PARISH COUNCIL:
The Parish Council recommends approval of the application.

HIGHWAYS CONTROL OFFICER:
A traffic-calming feature should be incorporated at the entrance to the site and the boundary wall either side should not exceed one metre in height. The proposals should not affect the parking provision required for the two residential units previously approved on site.

OTHER:
Letters of objection have been received from the occupiers of both properties to the west of the site. Concerns have been raised with regard to a loss of privacy, over-development of a small site, new use and its impact on neighbours and design issues. Particular attention is drawn to the height difference between the application site and the adjacent properties, which would exacerbate the impact.

HISTORICAL CONTEXT:
Outline planning permission was granted for the erection of three dwellings on the site in August 2001 (reference 5/01/1250) and the conversion of a barn into two dwellings and the erection of a detached garage and access in November 2001 (reference 5/01/1259).

DESCRIPTION & PROPOSAL:
The site forms a plateau to the rear of a barn currently under conversion, and an embankment with a smaller section of land approximately five metres lower to the south. There are several protected trees on the lower section of land, the outline planning permission restricted development of this area. It is proposed to construct three detached houses with integral garages on the higher section of land.

The floor level of the house to the west of Plot 1 (Beckside House) would be approximately two metres lower than that of the proposed house. The adjacent house (Meadow View) is set lower.
POLICY ISSUES:
The site has the benefit of an outline planning permission, the principle of development with regard to current restrictive housing policies is therefore not under consideration.

Policies H5 and S2 of the South Lakeland Local plan seek to ensure that residential development is of an appropriate density with suitable design, layout, landscaping and access.

Paragraph 64 of Planning Policy Guidance Note 1 advises that the privacy and amenity of neighbouring occupiers should be taken into account.

HUMAN RIGHTS ACT:
The provisions of the Act are relevant in so far as they relate to the right to respect for private and family life and the peaceful enjoyment of property.

ASSESSMENT:
The design and layout of the current proposals are for the most part appropriate. However, the level at which the units would be built would be over two metres higher than the adjacent property. As Plot 1 has windows and a door on the side facing Beckside House, and a footpath running along the side to the rear garden, the proposal would have an over dominant and unneighbourly impact adversely affecting the privacy of the neighbouring occupiers.

The agent has indicated that amended plans will be submitted reducing the ground level, and consequently the floor level by 1.75 metres and erect a two metre high fence along the boundary. These proposals would reduce the impact of the development. The result of negotiations will be reported to the Planning Committee.

RECOMMENDATION:
The Assistant Director (Development) to report on the outcome of negotiations.
SUMMARY:
Issues relating to landscaping and drainage are currently being discussed with the applicant. There is local opposition to this scheme.

URSWICK PARISH COUNCIL:
Concern as to how water will be drained from the site. Query whether any engineering input has been sought with regards to flows to Urswick Tarn.

TRANSCO:
There are no gas mains affected by this proposal.

COUNTY ARCHAEOLOGIST:
No comments.

OTHER:
4 letters of objection and 1 letter of comment have been received which raise the following concerns:
- the increase in height will increase the prominence of the caravans within the local area especially when viewed from the public footpath which runs along the western side of the site
- this proposal would result in an additional area for the storage of caravans
- any increase in the amount of traffic will be detrimental to highway safety as the access is poor and the country lanes leading to the site are very narrow and unsuitable for caravans
- there is inadequate screening on the site to hide the caravans
- no details have been submitted which outline the proposed drainage arrangements to serve this area of land
- the site is already over developed
- the flooding problems have been caused by the amount of hard surfaced concrete elsewhere on the site.

HISTORICAL CONTEXT:
The land adjacent to the bungalow known as Dalegarth has been used for the storage of touring caravans for a number of years. This storage use was made lawful by the issue of a Lawful Development Certificate in 1996.
Planning permission has subsequently been granted in 1996 and 1999 for further extensions to the areas in which caravans can be stored. The planting of a significant number of trees along the eastern and southern side of the site was a condition of both these planning permissions.

The caravans are stored on the site on a temporary basis. A large number of them are removed from the site during the summer months when they are in use during the holiday period.

DESCRIPTION & PROPOSAL:

This application relates to a sunken area of land which is bound by concrete walls and was formerly part of an old power station. The sunken area is currently used as a storage area in connection with the applicants caravan storage business which occupies the hard surfaced land to the north of his bungalow.

Planning permission is sought for the infilling of the sunken area so that it can be raised to the same level as the surrounding land. An existing earth bank is also to be removed as part of this proposal. The applicant claims that this proposal is necessary to overcome flooding problems which have, in the recent past, resulted in damage to the stored caravans. He has submitted a series of photographs to illustrate examples of the flooding problem.

The applicant has indicated that he is willing to plant a double row of beech trees along the full length of the sunken area to replace the earth bank and also provide additional screening.

POLICY ISSUES:

Policy 13 of the Structure Plan restricts developments outside Landscapes of County Importance unless they are sited to minimise environmental impact.

Policy S3 of the Local Plan requires a high standard of landscaping for all new development.

HUMAN RIGHTS ACT:

The provisions of the Act are relevant in so far as they relate to the right to respect for private and family life and the peaceful enjoyment of property.

ASSESSMENT:

This sunken area of land was originally deemed to be acceptable for the storage of caravans as the lower ground level helped to reduce the extent of the caravans that would be visible. A small earth bank and tree planting were also added to provide an additional screen along the eastern boundary of the site.

The proposed raising of the ground level of this area will inevitably result in any stored caravans becoming more visible within the landscape. The removal of the earth bank is likely to exacerbate this impact.

Whilst the applicant has indicated a willingness to plant additional trees to supplement the existing planting additional screening measures are currently being discussed with the applicant to reduce the prominence this area of land. Concerns have been raised by local residents with regards to the likely increase in caravan numbers that will result from this proposal.

Confirmation has also been sought with regards to the number of caravans that are capable of being stored on this part of the site if the ground level is raised. It is unclear whether the applicant views this proposal as an opportunity to increase the capacity of the site.

No details have been provided with the application which specify how it is intended to drain the site. This is important as it is claimed that the site is currently subject to flooding. The applicant has been asked to provide a drainage scheme to ensure that this proposal does not either worsen the flooding in the local area or affect flows into Urswick Tarn. The applicant is currently in discussions with the Council’s Principal Drainage Officer with regards to this aspect of the scheme.
On balance it is not considered appropriate to support this scheme as it will effectively reduce the ameliorating circumstances that allowed the use in the first instance. In the absence of any explanation of why circumstances have deteriorated to cause this problem now rather than over the previous 5 years the proposed development is considered to be the wrong solution and one which leads to a much greater impact on the landscape which will not be sufficiently mitigated by landscaping.

**RECOMMENDATION:**
The Assistant Director (Development) to report on the outcome of negotiations with the applicant.

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SL/2004/1159

DUDDON: LAND BETWEEN STATION ROAD & FOXFIELD ROAD, BROUGHTON-IN-FURNESS
PROPOSAL: PARTIAL DEMOLITION OF EXISTING BUILDINGS, CONVERSION OF EXISTING WORKSHOPS TO TEN DWELLINGS, ERECTION OF FIVE NEW DWELLINGS & ERECTION OF DOCTORS SURGERY
RUSSELL ARMER LTD

2810072

SUMMARY:
Members visit to the site will have enabled them to form a view on this proposal. Issues relating to access, parking, design and occupation restrictions are currently being discussed with the applicant’s agent.

DUDDON PARISH COUNCIL:
Comments to be received by 30 September 2004.

HIGHWAYS CONTROL OFFICER:
To be reported.

DIRECTOR OF CUSTOMER SERVICES (Environmental Protection Officer):
Conditions relating to land contamination shall be imposed upon any planning permission. Development shall not commence until measures to deal with site contamination have been agreed.

OTHER:
One letter of objection has been received which raises concerns relating to the inadequacy of the parking provision to serve both the proposed houses and the doctor’s surgery. As a result this will add to the existing problems of on-street car parking within the village.

HISTORICAL CONTEXT:
This application relates to the former Furness Supplies site which fronts onto Foxfield Road within Broughton-in-Furness.

Planning permission has been granted for the erection of several storage buildings and the alterations to the existing buildings in association with the storage and distribution of agricultural foodstuffs in the past.

Planning permission was granted for the erection of a purpose built building on the land adjacent to Foxfield Business Park in 2003 to provide modern premises for Furness Supplies which are more appropriate for their business operation. This building was completed several months ago and Furness Supplies have now relocated their business to this site.
DESCRIPTION & PROPOSAL:

Planning permission is now sought for the redevelopment of the site to provide fifteen residential units and the erection of a doctor’s surgery for the village. The existing stone built workshops which lie parallel to Foxfield Road on the eastern side of the site are to be converted to form ten two-bedroomed units. The proposed conversion involved the installation of a number of new window openings and the internal layout of each unit has been designed to reflect the close relationship between these two buildings.

It is proposed to erect a pair of semi detached dwellings in the north eastern corner of the site adjacent to the terrace of houses know as Cinder Hill. These dwellings have been designed to reflect the style of the houses on Cinder Hill and are three-storey in height. A parking bay of four spaces is to be created off Station Road to serve these two units.

The other three dwellings proposed are to be erected on the northern boundary of the site in the area currently occupied by several large fuel tanks. These units have been designed to take advantage of the change of levels across this part of the site. The Station Road frontage will be two-storey in height whereas the front elevation facing into the site will be three-storey in height. These three units are each to have an integral garage and also a paved area in front of the houses to provide additional car parking.

It is proposed that three of the units will be affordable houses for local people.

The proposed doctor’s surgery is to replace an existing storage building which fronts onto Foxfield Road on the southern portion of the site. The proposed surgery has been designed so that there is a change in height across the length of the building. The roof height of the main section of the building is higher to allow part of the roof void to be used. This has been identified as a potential additional area if expansion is needed in the future. The surgery is to be constructed of rendered blockwork walls and a slate pitched roof.

A parking bay is to be created adjacent to the surgery to provide six designated spaces for use by doctors and other staff. Four visitor spaces are to be provided adjacent to the driveway which is to serve the proposed houses.

The existing access road off Foxfield Road is to be modified and used to serve the whole development.

Several trees are to be removed along the Station Road frontage to accommodate the development. The applicants have submitted a report by a Landscape Architect who stresses that most of the trees are situated near to the existing wall which has resulted in some damage to the wall. It is proposed to replant several trees within the site as part of this scheme.

POLICY ISSUES:

Policy E6 of the Local Plan seeks to retain existing employment land and premises for employment use unless the use has proven to be unneighbourly because of traffic generation, noise or disturbance, or the change of use would assist a move to alternative and more suitable premises within the vicinity.

The recently published Supplementary Planning Guidance and the emerging Structure Plan indicate that new housing will be located in identified key service centres or local service centres in the west in order to promote a sustainable pattern of development. Broughton-in-Furness is identified as a local service centre in which there is an allowance for some small scale unrestricted housing development.

Policy H8 of the Local Plan requires some affordable housing to be provided to meet local needs, the proportion of which has to be agreed through negotiation.

Policy S2 of the Local Plan sets out the South Lakeland Design Code and requires development applications to take proper account of its principles.

Chapter 8 of the Local Plan encourages the provision of health services and specifies that suitable sites and premises should be made available for the development of new facilities as Health Centres and branch surgeries.

HUMAN RIGHTS ACT:
The provisions of the Act are relevant in so far as they relate to the right to respect for private and family life and the peaceful enjoyment of property.

ASSESSMENT:

This site is of an awkward shape which surrounds the existing fire station and is flanked by a number of residential properties. These factors limit the options for redevelopment in terms of the scale and siting of new buildings on the site.

The current owners of the site, who were the previous occupiers, have relocated to modern purpose built premises and the sale of this land is required to partly finance this new building. The previous use has historically resulted in noise and activity which have had an impact on residential amenity in the locality. The restricted space available on the site also resulted in parking of large vehicles on Foxfield Road for the loading and unloading of deliveries.

On this basis this proposal is considered to be consistent with Policy E6 of the Local Plan. The owners have also undertaken some marketing of the site in the recent past although it is unclear as to the extent of the marketing. The applicants have been asked to provide this information for clarification.

Under the emerging Supplementary Planning Guidance, Broughton-in-Furness is identified as a local service centre where there is an allowance for some small scale growth for unrestricted housing. As part of the negotiations that have taken place on this scheme the applicant has agreed to three of the proposed units being restricted to affordable houses for local people. This represents 20% of the total number of units proposed. The restriction of some of the other units to local occupancy only is currently being discussed with the applicants.

The retention and conversion of the two stone buildings is preferable to their demolition and replacement. The design of the layout of these units has taken into account the close relationship between these two buildings to ensure that the privacy of the occupants is protected. The design of the other five houses is generally acceptable although discussions are in progress with the applicant to improve the Station Road frontage as this will be visible from within the village.

The proposed surgery is of a simple design and its siting is considered to be acceptable.

The main concern regarding the scheme relates to the small amount of car parking that is provided to serve the surgery. The applicants claim that the surgery would operate on an appointment basis only, there is generally only one doctor present at any one time and two of the employees currently live in Broughton and so would walk to work. On this basis they claim that the parking provision proposed is adequate. This issue is currently being discussed with both the applicant’s agent and the Highways Control Officer.

The doctor’s surgery has been actively attempting to find alternative premises within Broughton in the recent past. This is a brown field site that is well located with regard to the centre of the village. Subject to the provision of adequate car parking it is considered to offer an appropriate site for this form of development which will provide a beneficial local facility.

Members’ visit to the site will have enabled them to assess the issues raised by this application.

RECOMMENDATION:

The Assistant Director (Development) to report on the progress of negotiations with the applicant’s agent.
SUMMARY:
This retrospective application raises noise issues and potential impacts on residential amenity.

PENNINGTON PARISH COUNCIL:
Comments to be received by 29 September 2004.

HIGHWAYS CONTROL OFFICER:
To be reported.

OTHER:
Five letters of objection have been received which raise the following concerns:

- Likely noise resulting from the nature of the use proposed, the equipment used and the hours of operation.
- The current operation already has an impact on residential amenity in terms of noise, fumes and hours of operation.
- The storage of cars within the yard is unsightly and resembles the appearance of a scrap yard.
- Inadequate parking and unloading areas are available which result in the blockage of the main road.
- The minor roads are inadequate to accommodate industrial and business traffic.
- The narrow lane is currently used to test drive vehicles.
- This use is inappropriate in this area, it should be housed on an industrial estate.
- Conflict with the adjoining stables.
- The different uses represent an over development of the site.

HISTORICAL CONTEXT:
This application relates to a former agricultural workshop. Planning permission was granted for the use of the building for light industry in 2002. A condition was attached to this permission which restricted the hours of operation to 0800-1800 Monday to Friday and 0800-1300 on Saturdays only. These restrictions were imposed to limit noise nuisance.
The owner of the farm has recently let the building to a car mechanic who repairs vintage vehicles. This use as a vehicle repair workshop falls under Class B2 of the Use Classes Order and as such requires planning permission. Members resolved to authorise enforcement action against this use following a Committee site visit as part of their consideration of a retrospective planning application for the use of several adjoining buildings as stables. Planning permission was granted for the stables in July.

DESCRIPTION & PROPOSAL:
Retrospective planning permission is now sought for the use of this building as a vehicle repair workshop.

The owner of the building has submitted a letter in support of the application in which he outlines that the building has historically been used as an agricultural workshop for the repair of vehicles on the farm.

A letter has also been submitted by the occupier of the building who has recently relocated his business from Ulverston. At that time he claims that Greenmoor Farm was the only suitable premises available within the local area. He currently specialises in the repair and restoration of classic cars and has stated that he does not advertise for business. He also claims that his level of work and activity is restricted as he does not have any other employees.

Access to the site is achieved using an existing gated opening which serves a hard surfaced courtyard to the front of the building. This is used as a storage area for vehicles awaiting repair.

POLICY ISSUES:
Both Government and Local Plan policies encourage the creation of employment opportunities in rural areas.

Policy E8 of the Local Plan encourages the development or conversion for small-scale employment in rural areas provided there is no damaging impact to residential amenity or the character and appearance of the landscape.

HUMAN RIGHTS ACT:
It is relevant to consider those articles of the Human Rights Act relating to the right to family and private life and the protection of private property.

ASSESSMENT:
The key issue raised by this application relates to the noise and activity generated by the proposed use. This building lies within close proximity to a small collection of residential properties. The occupier of the building has indicated that the only pieces of equipment which are currently used that generate noise are an angle grinder and a small electric compressor. He claims that he is prepared to place the angle grinder within a surround to absorb the noise. The compressor has also been blocked in using concrete blocks with a sound-proof lid.

The advice of the Director of Customer Services (Environmental Protection Manager) is awaited to assess whether the proposed use will give rise to unacceptable noise levels which will impact upon residential amenity.

RECOMMENDATION:
The Assistant Director (Development) to report on the response on the advice of the Director of Customer Services (Environmental Protection Manager).
SUMMARY:
This is a resubmission of an application previously refused by Members and on which an appeal was recently won by the Council. The submission results from comments made by the Appeal Inspector.

KENDAL TOWN COUNCIL:
Comments to be received by 01 October 2004.

OTHER:
Two letters of objection have been received from adjacent residents. The main grounds of objection are that the scheme is the same as was refused, with the exception that the balcony/terrace has been removed. The proposal will be overpowering, overbearing and will significantly reduce light and sunlight as well as privacy. There is an existing garage on site, which could be used, without altering the style of the estate through the creation of the new access. Concerns are also expressed about the use of the existing garage as a utility space and the possible noise disturbance to the neighbour, as the neighbours garage and applicants garage share a wall.

HISTORICAL CONTEXT:
An application for a two storey extension (5/02/3198) was refused by Members in January 2003 on the grounds that the size, design and relative positioning would be an unneighbourly form of development.

The scheme was amended by reducing the footprint and massing and was submitted as application reference SL/2003/1882. This was refused by Members on 16 October 2003 on the following grounds:

(1) The proposal would, by reason of its size, scale, design and relative positioning, constitute an unneighbourly form of development particularly when regard is paid to the amenities of nearby residents.

(2) The proposal represents an over-intensive form of development when regard is paid to the size of the extension in relation to the size of the domestic curtilage.

(3) The proposed construction of an additional vehicular access on to this busy spinal route which serves a large residential estate would be unnecessary due to the presence of an existing adequate access; consequently its construction would be detrimental and hazardous to highway safety.

The resulting appeal was dismissed. The Inspector dismissed the appeal on the grounds that the proposed terrace would materially reduce the privacy of adjacent properties. He did not have objections to the size or massing of the rest of the extension and did not consider it to be overbearing.
DESCRIPTION & PROPOSAL:
The proposal is for a two storey extension on the gable of a bungalow which is built on a sloping site. The adjacent properties are also single storey. The extension, which would provide a garage in the lower ground floor and living accommodation on the ground floor, would be built from materials to match the existing house, would have a ridge height to match the main house and has a hipped end to try and reduce overbearing impact. A new access will be formed onto Lingmoor Rise, which is an unclassified road. There is sufficient space to park a car between the footway and the garage door.

POLICY ISSUES:
Policy S2 of the South Lakeland Local Plan sets out the South Lakeland Design Code and requires development applications to take proper account of its principles.
The Local Planning Authority has adopted guidelines relating to domestic extension. These are concerned with design, appearance and unneighbourliness.

HUMAN RIGHTS ACT:
The provisions of the Act are relevant in so far as they relate to the right to respect for private and family life and the peaceful enjoyment of property.

ASSESSMENT:
The extension does not differ from that previously refused, except the terrace has been removed. The massing of the extension therefore may still be considered to be overbearing with an adverse impact on the adjacent properties. Highways have not been consulted on this application, despite a previous reason for refusal being on highway grounds, as the formation of the access does not require planning permission. It would therefore be inappropriate to recommend refusal on highways grounds this time.
The Inspectors decision was quite clear in that he did not consider the extension itself to be over intensive or un-neighbourly.
The Council has been consistent in previous decisions about the proposed extension and its impact on neighbours, but where a Planning Inspector does not agree, a further refusal may leave the Council liable to costs on a further appeal.

REASON FOR GRANTING PLANNING PERMISSION:
The Proposed extension is consistent with the aims and objectives of Policy S2 of the South Lakeland Local Plan.

RECOMMENDATION: GRANT subject to:-
Condition (1) The development hereby permitted shall be commenced before the expiration of FIVE YEARS from the date hereof.
Reason (1) To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.
SUMMARY:
Erection of a domestic-use stable block, dressage area, hardstanding and formation of a duck pond on land behind Moss Hall Farm, Carr Bank. The main concerns are the provision of the dressage area and hardstanding outside the garden area creating a possible precedent for further development on the open countryside. The previous application was withdrawn after strong local opposition, which is anticipated again.

BEETHAM PARISH COUNCIL:
Comments to be received by 05 October 2004.

HIGHWAYS CONTROL OFFICER:
To be reported.

ENVIRONMENT AGENCY:
To be reported.

OTHER:
One letter of objection had been received at the time of writing. The main grounds of objection were the access to the property, which is from a narrow public road, the drainage of the existing moss area which may be affected by the proposal, the formation of a dressage area which if it has lighting will be detrimental to the area.

HISTORICAL CONTEXT:
This is a resubmission of SL/2004/0854, which was for the same elements but the stable block was proposed outside the garden area and protruded into the open area of the ‘Moss’, a Site of Special Scientific Interest (SSSI) consultation area and within the Area of Outstanding Natural Beauty (AONB), creating a visually prominent building and a possible precedent for other development in the vicinity. After significant objections from local people and an objection from the Environment Agency, who wanted a flood risk assessment, the application was withdrawn.

DESCRIPTION & PROPOSAL:
The proposed stable will be built in the corner of the garden, close to the existing former farm house and buildings. The principle elevations will be stone faced, with the interior elevations (facing the farmhouse) timber faced. The stable doors will all be on this elevation. The building is ‘L’ shaped, with the north facing elevation being dug into the ground to allow a taller building to be created for storage, without it being higher than the rest of the building. From most elevations the building will be around 4 metres high. The roof covering is proposed to be felt tiles, in a colour to match the green slate on the house roof.

The dressage area will be constructed in a field behind the garden, which currently is used for grazing some farm animals and the horses currently owned by the applicant. The land is low lying and is marshy at times. The dressage area will be raised up slightly and covered with bark chippings. It will have a post and rail fence. It measures 20 metres x 40 metres and is sited between two existing hedges, which bound the field.

The pond will be created away from the house and dressage area.

POLICY ISSUES:
Policy S2 of the South Lakeland Local Plan sets out the South Lakeland Design Code and requires development applications to take proper account of its principles.

Policy C1 sets out specific criteria for development in the AONB.

Policy L9 refers to Equestrian Developments, and sets out a set of criteria against which to measure the appropriateness of the proposal. These criteria include design, affect on character of the area, access, and relationship to existing buildings.

HUMAN RIGHTS ACT:
The provisions of the Act are relevant in so far as they relate to the right to respect for private and family life and the peaceful enjoyment of property.

ASSESSMENT:
The proposed stable would be within the garden area and would be constructed from appropriate materials, which will blend into the existing built landscape. As the stable will be within the garden, a precedent for development outside of garden areas/in field near houses, would not be set.

The formation of the dressage area and hardstanding is outside the garden area, and constitute engineering operations for their formation. Concern has been verbally expressed by interested parties that the provision of these areas outside the garden would set a precedent for similar work or buildings behind other gardens. The two elements are required in relation to the stable and are for personal use. Their impact in the landscape will be minimised through the use of dark bark chippings and a post and rail fence, which could be stained a dark colour. It is unlikely that there would be any visual harm caused by these two elements.

The pond will be sited in a field away from other properties and behind a hedge. It is unlikely that this will be visible from any public viewpoints, but even if it was, it is unlikely to cause visual harm. The applicant proposes it to be a wildlife pond. No cross sections have been provided to show depth however these could be requested by condition.

REASON FOR GRANTING PLANNING PERMISSION:
The proposal is consistent with the aims and objectives of Policies S2, C1 and L9 of the South Lakeland Local Plan.

RECOMMENDATION: GRANT subject to:-
Condition (1) The development hereby permitted shall be commenced before the expiration of FIVE YEARS from the date hereof.
Reason (1) To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

Condition (2) No lighting other than that shown on the approved plans shall be provided within the application site without the prior written approval of the Local Planning Authority.
Reason (2) To prevent any light pollution of the area.

Condition (3) The stables hereby approved shall be used purely for the keeping of horses owned by the owner of Moss Hall Farm or their immediate family.
Reason (3) To prevent the use of the stables and dressage area for a form of activity that could prove detrimental to the residential character of the area.

Condition (4) The dressage area shall be used only for the riding of horses belonging to the owner of Moss Hall Farm or their immediate family. No commercial activity, including riding lessons, shall occur on the dressage area.
Reason (4) To prevent the use of the stables and dressage area for a form of activity that could prove detrimental to the residential character of the area.

Condition (5) No work shall begin on the pond hereby approved until details showing cross sections of the pond and construction details have been submitted to and approved in writing with the Local Planning Authority.
Reason (5) To ensure that the developments do not become unduly prominent in the area.

Condition (6) Prior to the commencement of works on the stables and dressage area, a plan shall be submitted showing proposed floor levels in relation to a fixed datum point. This plan must be approved in writing by the Local Planning Authority.
Reason (6) To ensure that the developments do not become unduly prominent in the area.

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SUMMARY:
This is a new resubmission of the application refused by Members at the September Planning Committee on grounds of design and materials. The design and materials have been amended to include natural stone and a curved roof profile.

KENDAL TOWN COUNCIL:
Comments to be received by 14 October 2004.

HIGHWAYS CONTROL OFFICER:
To be reported.

HISTORICAL CONTEXT:
Members will recall the application (SL/2004/0901) that was before them last month for a modern building, with a large curved glazed area, flat roof and silver composite cladding. Members felt that the materials, especially the silver composite cladding and use of a flat roof were inappropriate in the area and refused the application on the following grounds:

‘The site of the proposed car dealership is adjacent to Shap Road, a major route into the town where new development will be prominent and highly visible. The proposed building, which exhibits a contemporary styling and design and utilises modern cladding materials, would not fit comfortably with its surroundings, nor would it respect local building traditions. As a consequence, the building as proposed would not be compatible with the aims and objectives of Policies E4 and E5 of the South Lakeland Local Plan.’

DESCRIPTION & PROPOSAL:
The footprint of the building has not altered. All comments raised as part of the previous application have been addressed and the design has been amended as follows:

- Introduction of limestone wall facings to north, south and east elevations;
- Alteration of roofline to form a curved roof which lowers the eaves height on the western boundary and reduces its impact from the Rugby Club direction;
- Light grey panels wall panels (silver omitted) on western elevation;
• Clear storey windows above canopy on principal elevations; and
• Roof covering to be of a grey colour.

They have also confirmed that the parking area adjacent to the housing is an existing parking area for the commercial site.

POLICY ISSUES:
Policy E4 of the Local Plan allows for new development and extensions to premises in existing employment areas provided the scheme would not cause harm to the character of the area or amenity of nearby residents, there is adequate parking and servicing and landscaping forms part of the development.

Policy E5 of the Local Plan allows for redevelopment of obsolete employment premises where the proposal is not detrimental to its surroundings, there is satisfactory design, siting, landscaping and access, and employment uses are proposed.

HUMAN RIGHTS ACT:
The provisions of the Act are relevant in so far as they relate to the right to respect for private and family life and the peaceful enjoyment of property.

ASSESSMENT:
The applicants have considered fully the concerns of the Members regarding the design, and they have amended the elements that were raised as being inappropriate.

The building now has a large amount of local stone on the principle elevations, and the flat roof has been altered to a curved roof, which reduces the elevation facing the Rugby Club. The design now redresses all of the previous concerns and is now recommended for approval, subject to no adverse comments from the Parish Council or Highways Control Officer by the expiration of the consultation period.

REASON FOR GRANTING PLANNING PERMISSION:
The proposed building, which incorporates traditional materials, is considered to be appropriate in this location and in accordance with Policies E4 and E5 of the South Lakeland Local Plan.

RECOMMENDATION: GRANT subject to:-
Condition  (1)  The development hereby permitted shall be commenced before the expiration of FIVE YEARS from the date hereof.
Reason     (1)  To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

Condition  (2)  Prior to the commencement of works on the stone facing, a sample panel of the stone shall be prepared and approved in writing by the Local Planning Authority. The stonework shall then be completed in the same style as the approved sample panel.
Reason     (2)  To ensure that the stone is of a colour and style appropriate to the area.

Condition  (3)  Details of the external lighting, including lux levels and design, shall be submitted to and approved in writing prior to the completion of or occupation of the building occurs, whichever come first. The lighting shall then be installed in accordance with the approved details.
Reason (3)  To ensure the level of lighting is appropriate in this location and does not adversely effect the surrounding area.

Condition (4)  No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained. The scheme, once approved, shall then be carried out in the first planting season following completion of or occupation of the building commencing, whichever comes first.

Reason (4)  To ensure a suitable level of planning is maintained to enhance the character of the area.
SCHEDULE B
DAD Seeking Authority to Determine

17
SL/2003/2253
GRANGE OVER SANDS: MAIN STREET CAR PARK/ THE PROMENADE, GRANGE-OVER-SANDS
PROPOSAL: Pedestrian underpass
NETWORK RAIL (INFRASTRUCTURE) LTD

5902029
SUMMARY:
The design and siting of the proposal is appropriate, however, consultee responses, particularly with regard to flood issues will be reported.

GRANGE OVER SANDS TOWN COUNCIL:
Grange-over-Sands Town welcomed the scheme from a safety point of view and recommended that a drainage scheme be incorporated to resolve the flooding problems of the town. Reservations were however raised with regard to the measures proposed to prevent flooding from the bay. The Councils comments with regard to the latest set of amended plans will be reported.

HIGHWAYS CONTROL OFFICER:
The underpass should be linked to the existing pedestrian highway network. The ramp should be suitable for cyclists (1 in 20) as is the case of the crossing at Bailey lane.

ENVIRONMENT AGENCY:
The Agency has no objection to the proposal subject to the flood protection measures proposed being carried out.

ENGLISH NATURE:
The site is adjacent to Morecambe Bay candidate Special Area of Conservation (cSAC), Special Area of protection and Ramsar Site and Morecambe Bay Site of Special Scientific Interest (SSSI). Care should be taken to ensure that the Environment Agency pollution prevention guidelines are followed and the working area, including storage shall not encroach upon any part of the SSSI. There should be no access to the inter-tidal area for 2 hours either side of high tide as the bay is an important wintering area for waders and wildfowl.
GRANGE OVER SANDS CIVIC SOCIETY:

The proposal is welcomed as it will remove a potentially dangerous crossing over the railway and provide a highly visible gateway from the town to the promenade and provide an opportunity to seek a solution to the towns flooding problems. The Society does however raise concerns with regard to the design, a standard concrete subway would adversely affect the area, the extensive limestone walling on the promenade is unlikely to be attractive and should incorporate themes from the Time and Tide Project, seating, interpretation and the garden areas to be lost should be replaced by landscaping around the existing crossing. Network Rail should liaise with the community with regard to noise during work and adequate flood protection should be provided.

Further comments with regard to the latest set of amended plans will be reported.

DIRECTOR OF CUSTOMER SERVICES (Drainage):

To be reported.

OTHER:

Letters of objection have been received from or on behalf of 5 local residents. Each letter expresses concerns that the proposed flood protection measures would be inadequate, particularly in the light of rising tide levels. Attention is drawn to experiences in the recent past where floodwater has reached the rail level and photographs provided showing water above the promenade level. Concern is also raised with regard to the ability of South Lakeland District Council to responsibly operate the floodgates and whether such manual solutions can be relied upon. One of the letters also states that the proposals would decimate the appearance of the promenade.

Four letters have been received which, whilst do not object to the proposal express concern that adequate flood protection measures should be put in place. One of these letters considers the proposal to be an opportunity to resolve flooding in the town.

Letters have been received on behalf of the 3P’s Group who have been working on schemes to improve the appearance of the promenade. The proposals are broadly supported but the design should be appropriate to the Conservation Area and should reflect the design themes of the Tide and Time Project.

DESCRIPTION & PROPOSAL:

It is proposed to create a subway under the railway leading from the Main Street Car Park to the promenade. This would allow closure of the existing pedestrian crossing at Bailey Lane. The proposal would create an arched entrance from the car park and a ramp and steps up to the promenade level on the other side of the railway. The scheme would remove 71 metres of garden on the promenade and replace this with a limestone wall.

POLICY ISSUES:

Planning Policy Guidance Note 15 ‘Planning and the Historic Environment’ and Policy C16 of the South Lakeland Local Plan seeks to ensure that development either protects or enhances the character and appearance of Conservations Areas.

Policy ST2 of the South Lakeland Local Plan sets standards for design, which aim to ensure development is appropriate to its surroundings.

HUMAN RIGHTS ACT:

The provisions of the Act are relevant in so far as they relate to the right to respect for private and family life and the peaceful enjoyment of property.
ASSESSMENT:

Network Rail is a statutory utility body, which can undertake much of the work proposed as permitted development. Access to such an underpass would however, be required from Council land.

A flood risk assessment has been produced which has the support of the Environment Agency. A debris level of 7.56 metres has been recorded; predicted levels from the Computerised Flood Risk Mapping study indicate a 1 in 200 year flood level of 7.65 metres. The Environment Agency require a structure to provide flood protection to a 1 in 200 year flood risk plus predicted sea level rise over the next 50 years (0.2 metres) and wave effects (0.35 metres). This gives a required level of 8.2 metres. The proposed walling and floodgates meet the requirements given by the Environment Agency. It is proposed that the floodgates would be maintained and operated by the Council and the applicants have agreed to provide a commuted sum, although agreement with regard to the figure has not yet been reached. It is considered that a minimum sum in the region of £20,000 based over a 50-year period would be required. The applicant’s have however, offered to provide a box culvert for use by the Council in any future drainage scheme for Grange-over-Sands in lieu of such a payment. A separate resolution as to whether a commuted sum or culvert should be accepted is being sought.

The design has been improved from the utilitarian box like structure originally submitted to reflect the character of the area. The entrance from the car park now has a segmented arched head, although rather shallow in profile. This profile is constrained by the head heights required and the distance between the rail level and underpass roof. Further improvements can be made with the use of larger, rectangular stones and keystones. This detail can be controlled by a condition. The access has also been improved by setting the retaining walls back and including a raised landscaping area either side.

The proposal would have a significant impact on the character and appearance of the promenade side. The scheme involves the loss of 71 metres of garden and replacement by a 1.2 metres high limestone wall. The wall would imitate existing walling along the promenade in terms of material, construction and design. The applicants have agreed to provide a commuted sum for the inclusion of public art along the wall to mitigate the impact. A sum in the region of £10,000 to £12,000 has been suggested to provide 3 or 4 installations. However, an agreement with regard to a sum has not been reached.

It is considered that the impact from the walling could also be mitigated by the improvement and landscaping of the area adjacent to the Bailey Lane. The applicants have also agreed to provide a commuted sum for works to this area, which would allow the Council to undertake hard and soft landscaping to reflect the character of the existing promenade and work proposed by the Time and Tide Project.

It is proposed to finish the interior of the access and underpass in a light coloured concrete with an anti-graffiti finish, which along with lighting will ensure that the underpass is not oppressive or dark. There is an opportunity to involve local community groups to add art to the walls to create interest and increase public involvement.

The plans currently show standard fencing and boards around the underpass. The applicants have however agreed that fencing reflecting traditional fencing in the area will be included. The detail of this and the lighting can be controlled by conditions.

The length of the proposed ramp is restricted by the necessity to meet access requirements for disabled people of 1 in 15 with level respite points. A 1 in 20 ramp for cycle use is considered inappropriate given the nature of the current access to and from the crossing, and the knock on effect a 1 in 20 ramp would have on the length of walling on the promenade side. A pedestrian footpath is proposed along the existing verge bounding the car park to link the underpass with the footpath to Bailey Lane. Barriers along the car park edge may be necessary to prevent cars overhanging the path. This detail can be dealt with by condition. Additional signs to identify the access to the promenade can also be dealt with by condition.

The applicants have declined to undertake further design improvement suggested, particularly the proposals suggested by the architects working with the Time and Tide project. However, the proposals stand to be judged on their own merit and it is considered that subject to public art installations, appropriate materials and construction methods and landscaping at Bailey Lane, the proposal protects the character and appearance of the Conservation Area.
In conclusion, the proposals provide an opportunity to improve access to the promenade. The proposed flood protection measures are considered to be adequate by the Environment Agency and subject to mitigation measures with regard to public art and landscaping it is considered that the structure would protect the character and appearance of the Conservation Area.

**RECOMMENDATION:**

GRANT subject to a Section 106 Agreement with regard to maintenance and operation of floodgates and drainage, public art, landscaping and appropriate conditions.

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3530395

SUMMARY:
The demolition of an existing joinery workshop and the erection of two blocks of flats, numbering 14 in total of which 8 will be affordable. Objections have been received on the grounds of design, impact on adjacent residential properties and parking.

KENDAL TOWN COUNCIL:
Approval – affordable housing percentage.

HIGHWAYS CONTROL OFFICER:
These are the latest comments:
There should be a change of material between the edge of the public highway and the gates to the development to encourage lower speeds. The footway fronting the site must be contrasted to an adoptable standard and link in to the existing footway on Buttery Well Lane. Similarly the shrubbery should be replaced with something lower in interests of pedestrian safety – without these additional improvements this scheme is not yet acceptable.

ENVIRONMENT AGENCY:
They recommend a condition requesting a desk study into potential for on site contamination.

ECONOMIC DEVELOPMENT OFFICER:
Having checked our database of enquiries, I can confirm that the applicants have been seeking alternative premises for some time (since 10 June 2003), in order to enable the business to expand.
They have been experiencing both parking and access difficulties in the operation of their business from the current location at Gillingrove Works.
I understand that they have now identified suitable, more appropriate premises at the former K Shoes factory at Gallowbarrow, Kendal
From a commercial perspective the Gillingrove Works premises are poorly located and difficult to service for modern business needs. If the applicants can provide details of how relocation to alternative premises will improve their business and number of new jobs to be created (as well as safeguarding the existing jobs), then I believe an exception to Policy E6 may be justified in this case.
A letter, signed by 7 local residents, as well as an additional letter of objection and letter of comment has been received. The main issues are:

- Loss of Privacy to the residential properties behind as there will be bedrooms facing them, and the easterly building will have living accommodation facing towards Gillinggate;
- Overbearing development as the proposed buildings will be higher than the existing building;
- Only one parking space is provided per flat, which is insufficient and will increase demand for parking space on Gillinggate which will affect other residents. At least 20 spaces should be provided;

The proposed materials, utilising render, are inappropriate in this area, which is next to the Conservation Area. The existing joinery buildings are stone faced with slate roofs and it will be a shame to lose these.

HISTORICAL CONTEXT:

The site has formerly been a brewery and foundry and it is probable it has been in economic uses for a long period of time. The current owners, T Colloby, wish to relocate to more suitable premises and this sale of this site would financially facilitate this.

DESCRIPTION & PROPOSAL:

The site is just outside the Conservation Area and there is a mix of traditional stone buildings as well as more recent buildings with a rendered finish.

The existing buildings are a mix of traditional stone and slate and some rendered walls with profiled sheeting on the roof. They house a joiners business and ski & snowboard business. These buildings would be demolished, with some of the stonework being saved and reused on the new building. The businesses will relocate.

The proposed development incorporates two new buildings at right angles to one another. One will be parallel with Gillinggate and the other parallel with and adjacent to Anchorite Fields. The ridge of the two main buildings will be approximately ½ metre higher than the highest part of the existing building (8.3 metres in total). The site slopes away from Gillinggate and facing the Gillinggate dwellings there is a two-storey building with accommodation in the roof. The other elevation would be three-storey, with car parking being provided in the lower level. The same design applies to the property facing Anchorite fields. At the easterly end of the block facing Gillinggate there is a ‘lean to’ style building. This replicates an existing building and will be two-storey.

In total there will be 14 flats: 8 x 2 bedroom and 6 x 1 bedroom. 8 flats will be affordable (maintained through a Section 106 Agreement) and 3 will be disabled accessible.

There are 14 car parking spaces either within or just on the periphery of the site, accessed through an existing access off Buttery Well Lane. This provision is in accordance with the requirements of Planning Policy Guidance 3. Furthermore the property is within walking distance of the town centre and local services.

The proposed materials are an off white render (similar to the new Booths development) with stone quoins, cills and lintels as well as a decorative stone façade on the Anchorite Fields building. The windows will be painted softwood and recessed into the walls in a more traditional manner. The roofing materials is yet to be decided, but an ‘eternit’ imitation slate is being suggested.

POLICY ISSUES:

The site is located within the development boundary of Kendal. Policy H4 of the South Lakeland Local Plan 2006 relates to small-scale residential development in Kendal and Ulverston. Residential development will be permitted on suitable small sites within the development boundary, provided this does not result in the loss of important open space. Planning permission will be subject to the submission of satisfactory density, siting, layout, landscaping and access details.
Policy E6 of the South Lakeland Local Plan 2006 states that:

‘Proposals to change the use of existing employment land and buildings to a non-
employment use (which includes retailing) will not be permitted except where:

(a) the existing use is unneighbourly because of traffic generation, noise or
disturbance to the amenity; or

(b) the change of use could assist a move to alternative and more suitable premises
in the vicinity.’

HUMAN RIGHTS ACT:

The provisions of the Act are relevant in so far as they relate to the right to respect for private and family life
and the peaceful enjoyment of property.

ASSESSMENT:

The current employment use could be considered to be unneighbourly because of the nature of the work and
vehicles going to and from the business, in a predominantly residential area. The approval of the application
would also facilitate the removal of the business to a better location, therefore the proposal is in accordance
with Policy E6.

The site, with its proximity to the town centre is a good housing location and the use would be in keeping
with the area. Over half of the units will be affordable, and three will also be fully disabled accessible. The
size of the proposed flats, being just one or two bedrooms, is ideal for this near town centre location. The
parking provision is in line with national guidance. It is unlikely that someone with two cars will buy a flat,
which only has one car parking space, and any additional cars for visitors etc will not make the parking
situation in this area significantly worse.

The objectors did state that they were not against residential development of the site, but had concerns about
the design and siting of the buildings. They suggested an alternative siting of the Gillingrove block, which
could be rotated around 90 degrees and would then be parallel with the other block, however this would
make the new blocks very close to one another (closer than the proposed block is to the Gillingrove houses)
with significant resulting light problems. The rotated block would then face on to the properties on Buttery
Well Lane, which are just two storeys in height (as opposed to the three storey Gillingrove properties) and
are at a much lower level than the main site. This was not therefore a feasible solution.

At the closest point, the new building would be 12 metres from the back of the Gillingrove properties,
however these properties have either been largely extended or have incorporated outbuildings and there
appear to be few windows to habitable rooms on the end of these extensions/outbuildings. Many of the
windows on the actual back elevation of the Gillingrove properties have obscured glass and there is a gap
between existing and proposed of just over 20 metres. Undoubtedly the new dwellings will have an impact
on the Gillingrove properties however the distance between the properties means that significant and
material loss of light or privacy is unlikely. It is also worth reminding Members that there is an existing
building on the site, which will be demolished.

The external elevations will incorporate some local stone as well as render, which will link the stone
conservation area properties with the other properties in the area.

RECOMMENDATION:

APPROVE subject to conditions and a Section 106 Agreement being placed on the affordable properties.
SL/2004/1166 (Full Planning Application)

SL/2004/1167 (LISTED BUILDING CONSENT)

LOWER HOLKER: HOLKER HALL & GARDENS, CARK IN CARTMEL, GRANGE-OVER-SANDS

PROPOSAL: RELANDSCAPING, REPLACEMENT OF SHOP, CONSTRUCTION OF 2 NEW COTTAGES, AND ALTERATIONS TO UPPER YARDS, ESTATE OFFICE, STABLES COURTYARD, NORTH LODGE, WREN COTTAGE, GARAGE & FORMER SCOUT HUT.

HOLKER ESTATES CO. LTD

7900166

SUMMARY:
The scheme proposes development which would enhance the setting of Holker Hall and its historic Park and Garden and provide for long-term improvement to facilities and economic viability. Further amendments are considered necessary with regard to detail but the concept is acceptable.

LOWER HOLKER PARISH COUNCIL:
The Parish Council is generally supportive of the application but request that consideration is given to the following points:

- Adequate sewerage disposal for the new buildings is provided
- If trees are to be felled, conditions should be attached to any permission to ensure replacements are planted
- New access and exit points should be designed to ensure the safety of road users is paramount.

HIGHWAYS CONTROL OFFICER:

To be reported.

ENVIRONMENT AGENCY:
Development should be properly connected to the existing septic tank in accordance with Circular 03/99 ‘Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development’. The applicant should ensure that the existing sewerage treatment system is in a good state of repair and maintained to deal with an increase in flow.

ENGLISH HERITAGE:
English Heritage is supportive of the Estate’s proposals to improve landscaping and upgrade the facilities in the area of the existing car park, which will enhance the setting of Holker Hall. No objection is raised with regard to the additions to the Grade II listed stables, the new shop or work to the North Lodge, Builders and Shire Yards. The detail of these works should be agreed between the applicant and the Council. In relation to the Estate Office Close alterations, concern is raised with regard to the removal of the gate piers which will remove part of the evidence for the development of this historic landscape. It is suggested that the proposed cottage is relocated to ensure the gate piers remain in situ. No objection is raised with regard to the new steps adjacent to the Hall.
COUNTY ARCHAEOLOGIST:
To be reported.

THE SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS (SPAB):
To be reported.

GEORGIAN GROUP:
To be reported.

VICTORIAN SOCIETY:
To be reported.

GARDEN HISTORY SOCIETY:
To be reported.

CUMBRIA TOURIST BOARD:
To be reported.

THE COUNTRYSIDE AGENCY:
To be reported.

DIRECTOR OF CUSTOMER SERVICES (Environmental Protection Manager):
To be reported.

ARBORICULTURIST:
The car park has been arranged to ensure trees do not need to be removed but spaces are shown beneath canopies of trees. “No dig” construction methods and non-woven geo-textile membrane should be used to reduce damage to roots. The new path between the Stables Courtyard and Shire Yard will involve the loss of trees but most are sycamore and closely packed, thinning would not be detrimental to amenity. There is however, one fine oak where the path would protrude under the canopy – excavation could be damaging. It is suggested that the path be re-routed further from the tree.

HISTORICAL CONTEXT:
Planning permission and listed building consent has been granted in the past for a variety of alterations to the Hall, garden, car park and outbuildings. Most recently, consent has been granted for alterations to the stable wing for refurbishment of the café and creation of a food hall and office space.

DESCRIPTION & PROPOSAL:
The proposed scheme constitutes a master plan for the redevelopment of the area around Holker Hall, which would take place over a number of years. The proposals seek to improve visitor facilities, provide an increase in employment opportunities both as part of the visitor attraction and business and workshop units to let and accommodation for holidaymakers and staff.

Holker Hall is a Grade 2* Listed Building dating from the 1720’s with later additions and alterations during the mid 19th and 20th centuries. The Hall is set within extensive parkland and gardens with several groups of associated buildings. The area around the Hall is designated as a Historic Park and Garden. Part of the Hall
and gardens are open to the public, a café, recently developed food hall, shop and independent Motor Museum add to the visitor facilities available.

Car Park – it is proposed to extend and reorientate the car park into an existing grassy glade. The land undulates in the area to be extended and the car parking would be set into the lower level of the land with the creation of additional mounds and significant tree planting to confine and soften the impact. The car park would incorporate a new drop off point adjacent to a ticket office, picnic areas and to be resurfaced with green slate mulch.

Replacement gift shop and lavatories – the existing 1970’s ‘bungalow’ styled building would be demolished and replaced with a larger building slightly reoriented to align with the Stables Courtyard. The building would be ‘L’ shaped, combining classical slate columns, rubble stone and large glazing panels. A series of timber pergolas would run around the sides and rear.

Stable Courtyard (grade 2 listed) – the courtyard would be extended to create a new visitor entrance to the hall and gardens, ticket office, additional office space and expansion of the food hall. The proposals consist a two storey, double bay extension to the south-eastern corner of the courtyard and a first floor extension over a previous flat roof addition to the south-western corner. The proposed extensions would carry through the character, appearance and materials of the existing courtyard.

Staircase Adjacent the Hall – the family wing of the Hall is currently accessed via a narrow tarmac path leading to a short steep set of steps adjacent to the Hall. It is proposed to excavate this area to create a larger open area around the door to the Hall and curved retaining wall and staircase. The curved retaining wall would be constructed in rubble to match nearby walls, the steps would be slate cantilevered from the retaining wall and hand rails white painted iron to reflect the detailing on the adjacent part of the Hall. A slate pool water feature and pool is proposed at the base of the retaining wall.

Builders and Shire Yards – it is proposed to undertake considerable refurbishment, extension and alteration to the ‘Builders and Shire Yards’. The existing large unattractive storage building within the ‘Builders Yard’ would be removed, a second storey would be added to the buildings along the eastern side of the yard bounding the road and the central section extended using designs and materials to reflect the existing structures. The northern section of the ‘Builders Yard’ would be used for stabling, storage and relocation of the estate office. The southern section would provide workshop/business units and bread and cheese making areas, which would be both workspaces and visitor attractions. The ‘Shire Yard’ would be altered to upgrade the accommodation for the motor museum and/or additional business/workshop units in the future. The existing modern block along the western side would be replaced by buildings, which reflect the traditional buildings around the yards.

Cottages – it is proposed to alter the area around the Estate Office Close to provide two additional units for staff accommodation, extensions to Wren Cottage and rearrangement of the garden spaces to the rear to create car parking for staff and occupiers of the workshops. The two residential units are designed as traditional cottages, which reflect the character of the area. The existing exit from Holker Hall would be realigned behind the existing cottages and the proposed buildings would create a courtyard. Park View, Dove and Mackereth’s Cottages are Grade 2 Listed and along with Wren Cottage currently form a group around the exit from Holker Hall.

Estate Office – the building currently used, as an estate office would be converted to a guesthouse with integral managers accommodation. The proposals also involve a large two-storey extension, measuring approximately seven metres by twenty-two metres, to the side adjacent to the road. The two outbuildings would be converted into self-contained holiday units.

North Lodge and Gates (grade 2 listed) – it is proposed to re-site the gate piers and the position of the driveway to improve the access, replace the gate and some of the fencing and alter the Lodge by adding a porch and finials.

**POLICY ISSUES:**

Planning Policy Guidance Note 15 ‘Planning & the Historic Environment’, Policy E34 of the Cumbria and Lake District Structure Plan and Policies C13 and C15 of the South Lakeland Local Plan seek to ensure that inappropriate development, which would adversely affect the special character of an historic building is not permitted. The applicant should provide justification for the proposals.
Policy C14 also states that the District Council will consider favourably proposals to improve facilities for the public enjoyment of heritage properties and development intended to provide income for the upkeep of heritage properties.

Policy C19 states that where there are reasonable grounds for believing that important archaeological information may be lost, applicants will be required to carry out appropriate assessment of archaeological implications.

Policy C20 states that development will not be permitted which would destroy, damage or have a significant adverse affect on the character, appearance or setting of an historic landscape, including Parks and Gardens of Historic Interest.

Policy T10 allows for the development of small-scale visitor attractions subject to connection with historic heritage, appropriate scale and design which would not adversely affect the character and appearance of the landscape or environment, no adverse effect on residential amenity, conservation or highway safety and as far as possible, use is made of existing buildings. Whilst, Holker Hall itself constitutes an existing large-scale visitor attraction the criteria given in Policy T10 are relevant to the assessment of this proposal.

Policy T2 and T4 state that the conversion of buildings to serviced holiday accommodation and self-catering accommodation will be permitted provided that the building is capable of conversion without requiring major extension, rebuilding or alteration, no adverse impact on residential amenity, the character or appearance of an area, highway safety, historic features or give rise to the need for further buildings to accommodate displaced uses.

Policy E7 and E8 give favourable consideration to proposals which provide employment related development in rural areas and the conversion of buildings for employment use where the building is capable of conversion without major extension or reconstruction or extension, would not detract from the character or appearance, historic features or residential amenity, or give rise to unacceptable level of traffic and services are available on site.

Policy S2 sets standards for new development and Policy S3 requires that a high standard of landscaping be provided.

Policies ST7 and H14 of the Deposit Structure Plan designate key settlements and accord with the Regional Guidance. South Lakeland has produced Supplementary Planning Guidance (SPG) relating to housing provision. Whilst not adopted it has undergone a consultation period and should be given weight when determining applications. The SPG states, that the provision of housing to meet a specific need is acceptable where suitable to restriction by a local occupancy condition. Appendix C & G define need and include dwellings for household whose employment necessitates a dwelling outside key settlements.

**HUMAN RIGHTS ACT:**

The provisions of the Act are relevant in so far as they relate to the right to respect for private and family life and the peaceful enjoyment of property.

**ASSESSMENT:**

Holker Hall is an important tourist attraction in this part of the district attracting approximately 55,000 visitors a year (plus 25,000 for the Holker Garden Festival). The estate also includes activities such as agriculture, slate quarrying and horse racing. It is intended to broaden the commercial and tourism activities to provide an increased and more consistent income, which is required to provide for the upkeep and refurbishment of the Hall and associated buildings. The policies within the local plan seek to encourage tourism development as a major employer within the district and development that supports this should be welcomed. The extensions to the Stables Courtyard, car park alterations and new retail/ lavatory facilities will help improve the visitor experience and extend the season. The proposed retail building and extensions to the Stables Court Yard are considered to be appropriately design and sited and would not harm the special architectural or historical character of the listed buildings or the Historic Park and Gardens. Further comments with regard to the impact of the car park will be reported at the Committee, once consultee responses have been received.
The proposed excavations and staircase to access the private apartments is appropriate in principle. The current access was once a secondary one but over time has changed into the main entrance to the private accommodation. The access way is presently underwhelming and alterations to reflect the changing importance of the entrance would be appropriate. Advice with regard to the detail design will be reported when further consultee responses are available.

The ‘Builders and Shire Yards’ would undergo extensive alteration to form a mixture of office and stable units for the estate and workshop/business units to let. Planning policies support the creation of employment opportunities within rural areas. The alterations and extensions proposed are, for the most part, appropriately design and would enhance the historic and architectural context of the area. It is felt that minor details with regard to the design require further negotiation.

The extension to Wren Cottage and the proposals to alter the rear gardens to provide car parking could be undertaken without adversely affecting the character and appearance of the area or the adjacent listed buildings. However, further detail with regard to the car parking and alterations to the boundary wall is required.

The proposed staff cottages are appropriately designed reflecting the traditional cottages. The Estate advises that finding affordable accommodation for estate staff and attracting staff to adequately fulfil vacancies is becoming more difficult. Current planning policies allow for development of residential units where there is a local need. The units could be restricted to use by employees or local occupancy. Further information with regard to the need has been requested.

The siting of “East Cottage” would necessitate removal of the gate piers, an element to which English Heritage object. Negotiation with regard to the position is required.

The conversion of the Estate Office and outbuildings to provide guest accommodation accords with planning policies in principle. However, the two-storey extension adjacent to the road appears excessively large in relation to the existing building and it is considered that the proposal would be overly dominant when viewed from the road. The agents consider that the current layout of the building does not lend itself economically to create such a facility and the extension is required to make the accommodation viable. These concerns have been expressed and the outcome of negotiations will be reported to the Committee.

The alteration to the listed North Lodge and gates are considered appropriate and would not adversely affect the special historic and architectural character.

It is considered that the thrust of the master plan is appropriate in principle and would enhance visitor facilities and employment opportunities in accordance with planning policies.

RECOMMENDATION:
The Assistant Director (Development) to report on outstanding consultee responses and negotiations.
SCHEDULE C

Listed Building Applications

20

SL/2004/1078

KENDAL: LAND AT COLLINFIELD FARM, COLLINFIELD, KENDAL
PROPOSAL:  DETACHED DWELLING & NEW VEHICULAR ACCESS
(RESUBMISSION)
MR & MRS R WHITELEY

3530161

SUMMARY:
This is a resubmission of a previously refused application for a dwelling in the garden of the Grade II* listed Collinfield Farm house. Objections have been received on the grounds of access and parking and impact on the listed building and character of the area.

KENDAL TOWN COUNCIL:
Comments to be received by 07 September 2004.

HIGHWAYS CONTROL OFFICER:
Advises that there are highway grounds to refuse the new property on grounds of lack of turning space, but also recommends conditions in case the Members are minded to grant permission.

CONSERVATION OFFICER:
Whilst generally happy with the design, a slight resiting of the building would protect the setting of the listed building.

OTHER:
Four letter of objection have been received. The main concerns are:

- building on a historical site associated with the listed building;
- over development of the site as the house is larger than previously refused;
- parking is already difficult for local residents who have to park on the road opposite the new access;
- the house would be intrusive and overbearing;
- loss of public views;
- danger to other highway users; and
- loss of trees.

HISTORICAL CONTEXT:
Planning permission was refused in 1998 for three dwellings on the field to the west of the site for reasons of over development of the site and impact on the listed building. An application was then submitted in 1999 again for three houses on the same site, however this was revised and approved for two houses. Concern was expressed at both applications about the impact of the loss of land historically associated with the former farmhouse, which is a Grade II* listed building. A barn to the north west of the site was converted into houses in 2000.

Permission was applied for and refused by Members in February 2004 (SL/2003/2338) for a dwelling on the same piece of land. It was refused on the grounds of detrimental impact on the adjacent listed building.

DESCRIPTION & PROPOSAL:

The proposed house would be of a 1½-storey design, with a bedroom provided in the eaves and an attached garage. The materials and design are sympathetic to the adjacent listed building, drawing design features from the old property and replicating them on the new.

The house is orientated north-south, so that views of the listed building are not totally obstructed.

A new access will be created off Pembroke Court, with a large off-street parking area and single garage.

POLICY ISSUES:

Structure Plan Policy 26 states that developments which damage, obscure or remove historic features or are detrimental to the character or setting of a Listed Building will not normally permitted.

Deposit Structure Plan Policy E34 states that proposals which are detrimental to the setting of a listed building will not be permitted unless the harm caused to their importance and intrinsic interest is clearly outweighed by the need for the development.

Local Plan Policy C15 states that proposals will not be permitted for the erection of a new building or other structure or the carrying out of other development where this would adversely affect the character or setting of a listed building.

Policy H4 allows for small-scale residential development in Kendal, subject to satisfactory details of density, siting, layout, landscaping and access.

HUMAN RIGHTS ACT:

The provisions of the Act are relevant in so far as they relate to the right to respect for private and family life and the peaceful enjoyment of property.

ASSESSMENT:

The main issue with this development is the effect on the character and setting of the Grade II* listed building which is adjacent to the site. The building is visible when driving north up Collin Road and onto Pembroke Court, with views across domestic garden areas. Previous permissions relating to the conversion of original barns and two new houses do not significantly interrupt this view and are not considered to significantly affect the setting of the listed building. The proposed building will block some of the view, but the orientation will draw the eye towards the listed building. The previous refused building was on an east west orientation and completely obstructed views. There will still be a large area of garden and a landscaping condition could be used if necessary to retain trees and planting along the boundary of the site.

The proposed design reflects the listed farmhouse well, and uses appropriate materials and design features. The design is simple and will not detract from the listed building, but will enhance the area surrounding it.

Concerns have been raised about the parking for the new dwelling and the potential impact on nearby residents who park their cars on the road opposite the proposed dwelling. The Highways Control Officer, appears to have confused the proposal and comments that the new house should be served from the new access, then continues to state both a reason for refusal and conditions for granting.
The dwelling will have three parking spaces (including the garage), and the width of the drive is sufficient for the residents of the new house to drive in even if there are cars parked opposite. The houses opposite do have a drive and parking for one car, but there are often cars parked on the roadside. Visibility meets the requirements of the highways authority, but in any case the access would not require permission as it is onto an unclassified road.

The house, which has been carefully design after discussions with the Planning Officer and Conservation Officer, does not detract from the setting of the listed building and is in accordance with the relevant policies.

REASON FOR GRANTING PLANNING PERMISSION:

The proposed dwelling would not be detrimental to the character or setting of the adjacent listed building, or the character or amenity of the surrounding area. The proposal is consistent with the aims of Policy 26 of the Cumbria & Lake District Joint Structure Plan and Policies C15 and H4 of the South Lakeland Local Plan.

RECOMMENDATION: GRANT subject to:-

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<td>A sample of the slate to be used shall be provided to and approved in writing by the Local Planning Authority before the roof is slated. The roof shall then be finished in a slate to match the approved sample.</td>
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<tr>
<td>(2)</td>
<td>To ensure that the materials are appropriate for the setting.</td>
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<td>(3)</td>
<td>Prior to the commencement of any building works on site, precise details of the siting of the dwelling shall be agreed in writing with the Local Planning Authority.</td>
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<td>(3)</td>
<td>To achieve a satisfactory location that is not detrimental to the adjacent listed building.</td>
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SUMMARY:
The use of Unit 7 by a bathroom-installation company, currently based in Milnthorpe, is appropriate in the context of the Shoreline Business Park.

BEETHAM PARISH COUNCIL:
The Parish Council objects to this proposal.

There is a very real traffic problem here: the section of Quarry Lane serving this development is as yet unadopted and not made up to highway standard. It is therefore a matter of real concern that a retail development and the associated additional traffic thereby generated could be mooted. The junction with the B5282 will become a very real traffic hazard.

Had this been designated as “Retail Use” at the time of the original planning application for this development, the application would doubtless have been refused.

Unless or until the highway access is very much improved, the Parish Council recommends refusal of this application.

HIGHWAYS CONTROL OFFICER:
The Highways Authority is not supportive of this proposal which will result in attracting additional private vehicles to this area given the nature and existing use of Quarry Lane. No Parking or dedicated servicing space is indicated on the plan.

HISTORICAL CONTEXT:
The Shoreline Business Park is being developed on the site of the former Hudson’s Garage at Sandside, between Quarry Lane and the Arnside-Milnthorpe Road. It overlooks the Kent Estuary and the building nearing completion at the eastern end of the site features a distinctive form when approached from the Milnthorpe direction. Unit 7, which is the subject of the current application, is on the ground floor at the eastern end. It has a semi-circular floor plan and is the smallest unit within the building with a floor area of 100 square metres.

The planning permission for the Shoreline Business Park was issued in February 2003 and restricts the use of the various units to general industrial and business use/light industrial (Use Classes B2 and B1, respectively). Unit 7 falls under the B1 Use Class.
This current application proposes the use of Unit 7 as a showroom and office for a company which specialises in the installation of bathrooms. The company currently rents a shop in the centre of Milnthorpe which it uses as showroom and office and it is intended that the business will be transferred to Unit 7 on the Shoreline Business Park. Unit 7 will be purchased should the application be successful.

The company currently has four full-time employees and one part-time. Should the business be transferred to Shoreline it is anticipated that up to an additional four full-time employees will be recruited.

Parking space is available on the ground floor of the building of which Unit 7 forms a part.

**POLICY ISSUES:**

Local Plan Policy E4 encourages employment-related development in employment areas provided there is no damaging impact to the character of the area and that parking and servicing arrangements are appropriate.

**ASSESSMENT:**

This application raises two issues. Firstly, whether the use is appropriate for a (Class B1 and B2) business park; secondly, whether the use will generate significantly increased volumes of traffic compared to a B1 use of Unit 7.

The applicant company intends to use Unit 7 as an administrative office for its bathroom-fitting business with a showroom where bathroom equipment will be on display to be viewed by customers. Generally, however, discussions about bathroom design take place in customers’ homes rather than in the company’s premises. The showroom will not be in the same category as a High Street retailer. It is a form of business which would not be out of place on a business park. This is not dissimilar to the location of Broomby’s bathroom display at Mintsfeet and the Aquarius displays at the Station Road industrial site in Kendal. Visitor numbers will be relatively low and a refusal based on traffic generation along Quarry Lane would be difficult, if not impossible, to sustain on appeal. It would be difficult to argue that the traffic generated by the proposed use would be significantly greater than that generated by a wholly B1 use.

Members will take into account the reservations and opposition expressed by the Highways Control Officer and the Parish Council but are advised that the proposed use of Unit 7 is acceptable in the context of the Shoreline Business Park. A personal permission is suggested to discourage a wider contemplation of retail use for this site.

**REASON FOR GRANTING PLANNING PERMISSION:**

The permission will allow a locally-based business to move to larger premises where expansion is possible. The occupation of Unit 7 by a bathroom-installation company would not be out of place on the Shoreline Business Park and would be consistent with the objectives of Policy E4 of the South Lakeland Local Plan.

**RECOMMENDATION: GRANT subject to:-**

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<td>The planning permission hereby granted shall enure for the benefit of the applicant only and on the discontinuance of the occupancy of the premises by the applicant the use hereby permitted shall cease and Unit 7 shall be used only for business purposes as defined by Class B1 of the Town and Country Planning (Use Classes) Order 1987, as amended.</td>
</tr>
<tr>
<td>(2)</td>
<td>To permit the transfer of a locally-based business but to maintain control over the future use of Unit 7 and to avoid its use as a wholly retail outlet.</td>
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SUMMARY:
The proposal appears acceptable with the omission of windows on the west, ground floor elevation.

NEW HUTTON PARISH COUNCIL:
Comments to be received by 08 September 2004.

OTHER:
The adjoining neighbour has expressed concern about the impact of the side wall of the extension and a front door close to her property and two side windows. There is concern about the impact on views, light and privacy and the fact that there have been other part additions in the vicinity.

DESCRIPTION & PROPOSAL:
4 Millbeck is the corner property of an L-shaped range of barn conversions. A 1½-storey extension is proposed which would provide a dining area and open-side porch to the existing front door with an additional bedroom accommodated in the roofspace. The extension would project 4.6 metres from the rear of the existing building range. There would be 3 metres between its side wall and the boundary with the adjoining property, a distance of approximately 0.7 metres between that boundary and the patio doors/broad window of the adjoining dwelling. That window is 2.2 metres wide. The design shows two side windows looking into the covered porch area and across the garden to the neighbours’ boundary. The applicant has agreed to omit these. The extension has been designed by the architect of the original conversion and features matching stone walls and slate roof.

POLICY ISSUES:
The key concerns are the appropriateness of the design and its neighbourliness.
Policy S2 of the Local Plan sets out the South Lakeland Design Code and requires development applications to take proper account of its principles.
The Local Planning Authority has adopted Guidelines for Domestic Extensions.
ASSESSMENT:
The extension is of satisfactory appearance and complies with Policy S2 of the South Lakeland Local Plan. The presentation of the scheme on a number of separate plans may not have aided the neighbours’ assessment but the front door and approach to the dwelling would be unaltered and a three metre gap retained between it and the boundary. The distance from the neighbours adjoining window appears satisfactory for a 1½ storey extension in relation to the Guidelines. The deletion of the ground floor side windows is welcomed.

REASON FOR GRANTING PLANNING PERMISSION:
The development would accord with Policy S2 of the South Lakeland Local Plan and with the adopted Guidelines for Domestic Extensions.

RECOMMENDATION: GRANT subject to:-

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<td>The external walls and roof of the extension shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building, or as may be agreed in writing with the Local Planning Authority.</td>
</tr>
<tr>
<td>(2)</td>
<td>To ensure that the character of the area is not adversely affected by reason of the appearance of the type and colour of the materials to be used in the proposed development.</td>
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<tr>
<td>(3)</td>
<td>The windows and external doors shall be of timber to match those of the existing dwelling.</td>
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<td>To ensure that the character of the area is not adversely affected by reason of the appearance of the type and colour of the materials to be used in the proposed development.</td>
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<tr>
<td>(4)</td>
<td>This permission does not authorise any ground floor window openings on the west elevation of the extension.</td>
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<tr>
<td>(4)</td>
<td>To avoid unneighbourly overlooking.</td>
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SL/2004/1136

KENDAL: IDOLS SPORTS BAR, 1-7 KENT STREET, KENDAL
PROPOSAL: EXTENSION AT 1ST & 2ND FLOOR LEVELS
MR D ATKINSON

3540510

SUMMARY:
The design appears appropriate. Grant with recommended noise condition.

KENDAL TOWN COUNCIL:
Comments to be received by 21 September 2004.

DIRECTOR OF CUSTOMER SERVICES (Environmental Protection Officer):
Recommends condition requiring a report from a specialist noise consultant. The report should detail sound attenuation to be achieved by the structure of the building and predicted noise levels on the boundary of the site. All attenuation works should be completed prior to the use of the extension.

HISTORICAL CONTEXT:
This night club and sports bar has been operational since 1998 and was formed from a warehouse formerly associated with the adjoining department store. In September 2000 planning permission was refused for a two-storey extension because in design and position it was considered unsympathetic to the original building and the Conservation Area. In the absence of details to the contrary it was considered that it would compound noise disturbance and be detrimental to residential amenities in this part of town.

DESCRIPTION & PROPOSAL:
There is at present a single-storey extension with a large pitched roof in the former cobbled forecourt fronting onto Kent Street. Permission exists for a first-floor addition to this. It is now proposed to provide a first and second floor to this existing extension. Walls would be of limestone and roof of slate and the design would match that of the existing warehouse building. The extra space would form additional seating areas.

POLICY ISSUES:
Policy C16 of the Local Plan reflects the statutory duty of the Local Planning Authority to have special regard to the desirability of preserving or enhancing the character of a Conservation Area.

Policy 26 of the Structure Plan reflects the statutory duty of the Local Planning Authority to have special regard to the desirability of preserving or enhancing the character of a Conservation Area. It also has regard to preserving a Listed Building, its setting or any features of special architectural or historic merit.

It is also relevant to consider the potential for noise impact on the surrounding area.
ASSESSMENT:
The extension appears acceptable in design terms. It would not extend the footprint of the building and would match the design of the original building and look more appropriate than either the existing single storey addition or the permitted extension to that. Given the solid structure of the proposed extension it should be possible to design a suitable sound attenuation scheme.

REASON FOR GRANTING PLANNING PERMISSION:
The development would preserve the character of this part of the Kendal Conservation Area and accord with Policy C16 of the South Lakeland Local Plan and Policy 26 of the Cumbria & Lake District Joint Structure Plan. Subject to a condition in relation to noise attenuation the development should not be unneighbourly to residential properties or lead to noise disturbance.

RECOMMENDATION: GRANT subject to:-
Condition (1) The development hereby permitted shall be commenced before the expiration of FIVE YEARS from the date hereof.
Reason (1) To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

Condition (2) The external walls and roof of the extension shall be constructed with materials of the same type, texture and colour as the external walls and roof of the original building, or as may be agreed in writing with the Local Planning Authority.
Reason (2) To preserve the character of this part of the Kendal Conservation Area and comply with Policy C16 of the South Lakeland Local Plan and Policy 26 of the Cumbria & Lake District Joint Structure Plan.

Condition (3) Before the commencement of development there shall be submitted to and approved in writing by the Local Planning Authority a specialist noise consultants report indicating maximum sound pressure levels and maximum third octave band frequencies within the proposed extension together with details of proposed sound and third octave band attenuation measures achieved by the structure of the building and any necessary insulation which may be required in order to ensure that the predicted noise levels on the site boundary are not greater than existing levels. The development shall not take place other than in strict accordance with the identified attenuation and insulation measures and the extension shall not be used until such measures have been completed.
Reason (3) To avoid compounding noise disturbance and detriment to residential amenity in this part of the town centre.

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SL/2004/1143

KENDAL: LAND ADJACENT TO 144 LINGMOOR RISE, HERON HILL, KENDAL

PROPOSAL: NEW DWELLING

MARTIN CANNON

3512110

SUMMARY:
The erection of a dwelling in the garden of a house on the end of a terrace in Heron Hill. Objections have been received on the grounds of appearance, access, light and privacy.

KENDAL TOWN COUNCIL:
Comments to be received by 21 September 2004.

OTHER:
Three letters of objection have been received from nearby residents. The main grounds of concern are:

- that the house will block light to nearby properties;
- that privacy to nearby properties will be reduced;
- the house will block light to the footpath making it dark;
- the formation of a new access will reduce parking for other residents and make the nearby junction more dangerous for cars and people;
- that the house is too big and will be over development of the site;
- it will be higher than other houses therefore being overbearing; and
- it will increase noise and car pollution in the area.

DESCRIPTION & PROPOSAL:
The site is currently garden ground for a property on the end of a terrace of six houses. The site is bounded on two sides by public roads, and footpath between the terraces is on the other side. Behind the terrace of houses is another terrace of four houses. Two of these house currently face onto the garden. There is approximately 17 metres between the two rows of terraces.

The proposed house will be almost identical to the other houses in the terrace, but will be 0.5 metre wider. The materials, design and window and door fenestration will match the other houses in all respects. Both the existing house and the proposed house will have a garden size similar to others in the area.

Off-street parking has already been created for the existing house, but this will be utilised by the new house. Two spaces will be created off Valley Drive, near the junction with Lingmoor Rise.

Some trees and shrubs have already been felled on the site by the applicant to clear the current garden, however none of these are protected.
POLICY ISSUES:
Policy H4 allows for small scale residential development in Kendal, subject to satisfactory details of density, siting, layout, landscaping and access.

HUMAN RIGHTS ACT:
The provisions of the Act are relevant in so far as they relate to the right to respect for private and family life and the peaceful enjoyment of property.

ASSESSMENT:
The garden area is large enough to be able to accommodate the proposed house and still have sufficient garden around both houses. The proposed house will not be built up to the boundary with the footpath so there will still be a good visibility from the parking area on to the road. The gap between the proposed house and footpath also means the character of the area, where houses are not built right up to footpaths edges, will be retained.

The existing houses already overlook the houses behind, and the proposed house will not make this situation any worse. The gap between the two rows is sufficient to prevent any material loss of light to the properties or footpath.

The siting of the house is unlikely to affect drivers’ visibility on the road, which is unclassified and therefore the formation of the access or enlarging of the access does not require permission.

The design, siting and appearance of the house is appropriate in this area and although the objections of the neighbours are valid, they are not enough to warrant a refusal in this instance.

REASON FOR GRANTING PLANNING PERMISSION:
The proposed dwelling would not adversely affect the character of the area and would not materially affect light or privacy to nearby properties and therefore is in accordance with Local Plan Policies H4 and S2.

RECOMMENDATION: GRANT subject to:-
Condition (1) The development hereby permitted shall be commenced before the expiration of FIVE YEARS from the date hereof.
Reason (1) To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.
SL/2004/1189

KENDAL: LOW SLACK, QUEENS ROAD, KENDAL
PROPOSAL: CHANGE OF USE FROM GUEST HOUSE TO RESIDENTIAL SCHOOL AND CHILDREN'S HOME.
FRED GRIST

3540401
SUMMARY:
The proposal is a suitable alternative to the existing use.

KENDAL TOWN COUNCIL:
Comments to be received by 04 October 2004.

HIGHWAYS CONTROL OFFICER:
To be reported.

COMMISSION FOR SOCIAL CARE INSPECTION:
To be reported.

OTHER:
An objection has been received from a dwelling to the north that an addition to the two schools on Queens Road would increase noise and parking problems spoiling a lovely road.

HISTORICAL CONTEXT:
Permission was granted in 1994 for the conversion of the dwelling, “Low Slack”, to a Guest House. The building also contains proprietors’ accommodation. The adjoining property “Woodlands” was formerly an Old Peoples Home but was converted, without needing planning permission, to a residential school. It has accommodation for 7 pupils between 10 – 16 years. Planning permission was recently granted for an associated unit in the grounds to accommodate two post 16 year olds.

DESCRIPTION & PROPOSAL:
It is proposed to convert the Guest House into a combined School and Children’s’ Home for five people between 8 – 12 years old with associated staff. No external alterations are proposed. Ground floor rooms would serve educational and communal needs with pupils having individual bed/studies with ensuite facilities. The existing access off “The Tram” and existing parking space would be used.
POLICY ISSUES:
The site is within the Kendal Conservation Area.

Policy C16 of the Local Plan reflects the statutory duty of the Local Planning Authority to have special regard to the desirability of preserving or enhancing the character of a Conservation Area.

Policy 26 of the Structure Plan reflects the statutory duty of the Local Planning Authority to have special regard to the desirability of preserving or enhancing the character of a Conservation Area. It also has regard to preserving a Listed Building, its setting or any features of special architectural or historic merit.

It is relevant to consider the impact in terms of traffic and neighbourliness.

ASSESSMENT:
The proposed alternative use is unlikely to generate more traffic than the existing use and access would be likely to be by regular users rather than changing visitors. The use is a suitable one for a fine and prominent Victorian building and would not involve external changes. The nearest neighbours are the applicants’ existing school and Serpentine Woods neither of which would be disturbed by the noise of children’s play.

REASON FOR GRANTING PLANNING PERMISSION:
The development would preserve and enhance the character of this part of the Kendal Conservation Area and would accord with Policy C16 of the South Lakeland Local Plan and Policy 26 of The Cumbria & Lake District Joint Structure Plan.

RECOMMENDATION: GRANT subject to:-

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

Reason (1) To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.
SCHEDULE G

All Other Submissions

26
SL/2004/1157

KENDAL: LAND TO EAST OF OXENHOLME STATION, OFF OXENHOLME ROAD, OXENHOLME, KENDAL
PROPOSAL: TELECOMMUNICATIONS MAST & ASSOCIATED EQUIPMENT HOUSING AND ANCILLARY DEVELOPMENT VODAFONE LTD

3512109
SUMMARY:

Erection of a 15 metre telecommunications mast under the General Permitted (Development) Order 1997, Prior Approval procedure. This is a resubmission following the withdrawal of a previous application for a 20 metre mast in the same field which received local objections on landscape grounds.

KENDAL TOWN COUNCIL:

Comments to be received by 29 September 2004.

OTHER:

No letters of objections have been received at the time the report was written, but previous objections were received on the grounds of visibility in the landscape, especially as it would be seen from Oxenholme station, lack of need, and the height. Objections are expected to this proposal on similar grounds.

HISTORICAL CONTEXT:

Application number SL/2004/0313 was submitted in March 2004 for a 20 metre high mast in the south east corner of the same field where the new mast is proposed. It was an elevated position and would have been visible from the station platform and surrounding area. Objections were received and the applicants withdrew the application before a decision was made.

Discussions were held on site as to possible other locations and the submitted application is on one of the two sites discussed.

DESCRIPTION & PROPOSAL:

The proposed mast is 15m high and would be located in the south west corner of the field, behind the station buildings. There would be approximately 23 metres between the mast and buildings. The mast would be of monopole construction, and would have two dishes and two antennae.
**POLICY ISSUES:**
Policy S28 permits telecommunication masts where the mast would not be unduly prominent in the landscape; there is no opportunity for mast sharing; and the design, appearance and materials are appropriate in the landscape.

**HUMAN RIGHTS ACT:**
The provisions of the Act are relevant in so far as they relate to the right to respect for private and family life and the peaceful enjoyment of property.

**ASSESSMENT:**
The mast is required to give better coverage to railway users, and is one of many new masts being erected along the west coast railway. There are no masts in the area which would permit site sharing due to operation requirements to be sited within a small area.

The mast may be visible in the landscape but in the vicinity of the site are some telegraph poles, and this mast will not be so very different from these. The mast is also sited behind the station buildings and therefore it is unlikely that the mast will be very visible from the station platform. The mast could be timber clad and stained a dark colour if required.

The Prior Approval procedure relates to masts under 15 metres in height and requires that the telecommunications company submits plans 56 days before they plan to start work. If they have not had a letter from the Council within the 56 day period the application is considered to have deemed approval and they can start work.

The location and materials of the mast are not considered to be prominent or out of character in the landscape and therefore is in accordance with the criteria of policy S28.

**REASON FOR GRANTING PLANNING PERMISSION:**
The scheme is in line with Planning Policy Guidance 8 (Telecommunications).

**RECOMMENDATION:**
Approve.