You are requested to attend a meeting of
the Planning Committee
on Thursday, 29 April 2010, at 10.00 a.m.
in the Assembly Room, Kendal Town Hall, Kendal

Note – Plans will be available for inspection in the Council Chamber from 9.15 a.m. on the morning of the meeting.

Committee Membership

Councillors
Alan Baverstock
Jane Carson
Brian Cooper
Joss Curwen
Colin Davies
Sheila Eccles
Sylvia Emmott
Clive Graham
Brenda Gray
Frank Hodson
Janette Jenkinson
Kevin Lancaster
Sonia Lawson
Paul Little (Chairman)
Ian McPherson (Vice-Chairman)
Maureen Nicholson
David Williams
Mary Wilson

21 April 2010 (date of despatch)
Debbie Storr, Corporate Director (Monitoring Officer)

For all enquiries, please contact:-
Committee Administrator: Janine Jenkinson
Telephone: 01539 733333 Ext.7493
e-mail: committeeservices@southlakeland.gov.uk
AGENDA

PART I

1. **APOLOGIES**
   To receive apologies for absence, if any.

2. **MINUTES**
   To authorise the Chairman to sign, as a correct record, the minutes of the meeting of the Committee held on 25 March 2010 (copy attached).

3. **DECLARATIONS OF INTEREST**
   To receive declarations by Members of personal and prejudicial interests in respect of items on this Agenda.
   
   *If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote, he/she is advised to contact the Monitoring Officer at least 24 hours in advance of the meeting.*

4. **LOCAL GOVERNMENT ACT 1972 – EXCLUDED ITEMS**
   To consider whether the items, if any, in Part II of the Agenda should be considered in the presence of the press and public.

5. **PUBLIC PARTICIPATION**
   Any member of the public who wishes to ask a question, make representations or present a deputation or petition at this meeting should apply to do so in writing by noon on the day before the meeting. Information on how to make the application can be obtained by viewing the Council’s Website [www.southlakeland.gov.uk](http://www.southlakeland.gov.uk) or by contacting the Democratic and Member Services Manager on 01539 717440.

   (1) **Planning Applications**
       Planning applications for which requests to speak have been made.

   (2) **Agenda Items**
       Agenda items for which requests to speak have been made.

6. **REPORT OF THE CORPORATE DIRECTOR (COMMUNITIES)**
   To determine planning applications received.

7. **A REPORT ON ENFORCEMENT ACTIVITY FROM 25 JANUARY 2010 TO 26 FEBRUARY 2010**
   To inform Members about enforcement activity between 25 January 2010 and 26 February 2010.

8. **RESIDENTIAL MONITORING FOR THE PERIOD 1 APRIL 2009 TO 31 MARCH 2010 (4TH QUARTER AND FINAL REPORT)**
   To present the situation at 31 March 2010 with regards to residential permissions and completions within the monitoring period 1/04/09–31/03/10, in comparison with the North West Regional Spatial Strategy (RSS) requirement.

9. **APPEALS UPDATE AT 19 APRIL 2010**
   To provide Members with information about the receipt and determination of planning appeals.
PART II
Private Section (exempt reasons under Schedule 12A of the Local Government Act 1972, as amended by the Local Government Act (Access to Information) (Variation) Order 2006, specified by way of paragraph number)

There were no items in this part of the agenda.
PLANNING COMMITTEE

Minutes of the proceedings at a meeting of the Committee held in the Council Chamber at South Lakeland House, Kendal, on 25 March 2010, at 10.00 a.m.

Present

Councillors

Paul Little (Chairman)
Ian McPherson (Vice-Chairman)

Alan Baverstock  Jane Carson  Brian Cooper
Joss Curwen    Colin Davies  Sheila Eccles
Sylvia Emmott  Brenda Gray  Frank Hodson
Janette Jenkinson  Kevin Lancaster  Sonia Lawson
Maureen Nicholson  David Williams  Mary Wilson

An apology for absence was received from Councillor Clive Graham.

Officers

Barry Jackson    Planning Officer
Janine Jenkinson  Assistant Democratic Services Officer
Matthew Neal    Solicitor to the Council
Andy Roe        Development Control Manager

P/128 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on 25 February 2010.

P/129 DECLARATIONS OF INTEREST

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

(1) Councillors Alan Baverstock, Jane Carson, Brain Cooper, Frank Hodson, Janette Jenkinson, Kevin Lancaster and Mary Wilson – Minute P/132 (Planning Application No. SL.2009/0601); and

(2) Councillor Frank Hodson - Minute P/132 (Planning Application No.SL/2009/1135); and

(3) Development Control Manager, Andy Roe – Minute P/134 (10.045 Netherfield Sports Cricket Grounds, Parkside Road, Kendal).

P/130 LOCAL GOVERNMENT ACT 1972 – EXCLUDED ITEMS

RESOLVED – That it be noted that there were no items in Part II of the Agenda.

P/131 PLANNING APPLICATIONS

The Development Control Manager submitted a Schedule of Planning Applications and his recommendations thereon.
RESOLVED – That

(1) the applications be determined as indicated below (the numbers denote the Schedule numbers of the application);

(2) except where stated below, the applications be subject to the relevant conditions and advice notes, as outlined in the Schedule; and

(3) except where stated below, the reasons for refusal be those as outlined in the Schedule.

Note – Councillor Alan Baverstock declared a personal and prejudicial interest in the following item of business, by virtue of being a member of Arnside Area of Natural Beauty and South Lakelanders Opposed to the Gateway (SLOG) prior to becoming a Councillor. He left the Council Chamber during the discussion and voting thereon.

Councillor Jane Carson declared a personal interest in the following item of business, by virtue of being a member of Cumbria Wildlife.

Councillor Brian Cooper declared a personal and prejudicial interest in the following item, by virtue of being a personal friend of a shareholder of the L & K Group Plc. He left the Council Chamber during the discussion and voting thereon.

Councillor Janette Jenksinon declared a personal interest in the following item of business, by virtue of being a colleague on the Standards Committee with Trevor Wilson, a Director of the L&K Group Plc.

Councillor Kevin Lancaster declared a personal and prejudicial interest in the following item of business, by virtue of being a customer of the Auction Mart. He left the Council Chamber during the discussion and voting thereon.

Councillor Frank Hodson declared a personal interest in the following item of business, by virtue of being a member of Lancaster Canal Trust.

Councillor Mary Wilson declared a personal interest in the following item of business, by virtue of being a neighbour of Trevor Wilson, a Director of L & K Group Plc.

P/132 PUBLIC PARTICIPATION

Planning Applications

RESOLVED – That the following applications, for which representations have been received from members of the public, in accordance with Minute 1810 (1996/97), be determined in the following manner:-

1.SL/2009/0601 PRESTON RICHARD: Deepthwaite, Milnthorpe. Erection of auction mart and associated agricultural business units; construction of access; drainage facilities; alterations to B6385 near to Crooklands Bridge. (L & K Group PLC)
The Planning Officer summarised the details of the application and highlighted that the Committee had undertaken a site visit prior to the meeting.

John Dootson, on behalf of South Lakelanders Opposed to Gateway (SLOG), Ian McMurdo, Chairman of Milnthorpe Angling Association and on behalf of the Trustees of South Cumbria Rivers Trust, Drusilla Pickthall also on behalf of Dorothy Constantine and Mr and Mrs Knight, spoke in objection to the application. Full copies of their speeches have been recorded on the Democratic Services file.

The Committee also heard representations in objection to the application from Ron Dixon, Derek Calrow, Charles Haigh, Frances Haigh, Grant Bramwell, Don Harding. Full copies of their speeches have been placed on the Democratic Services File.

Mr Brian Barden, from Barden Planning Consultants, responded on behalf of the applicant. He addressed the main issues that had been raised during public participation. With regard to the adequacy of the road network and traffic generation, he stated that the level would be acceptable in this location and that improvement works to the road network and Crooklands Bridge associated with the application would benefit the site. Members were reassured that all necessary drainage/sewage requirements would be adhered to. In relation to comments raised regarding the location he asserted that the site was suitable to accommodate this form of development. Lastly, he advised that the financial viability of the scheme was not a planning matter for Members consideration.

The Planning Officer reported receipt of a total of 407 letters of objection and 620 letters of support. He read out in full the content of a generic letter that had been received from a number of supporters. He also reported that the Association of Independent Meat Suppliers supported the application.

A lengthy discussion took place in which Members gave consideration to all the pertinent issues raised by the application.

REFUSE – due to the following reasons (suitably worded) :-

1. traffic and sustainability issues, the lack of satisfactory information relating to projected traffic levels;

2. adverse landscape impact due to the scale and extent of proposal; and

3. impact on residential amenity due to increased activity / traffic.
Note – Councillor Frank Hodson declared a personal interest in the following item of business, by virtue of being a member of Arnside Area of Outstanding Natural Beauty Trust.

3.SL/2009/1135 ARNSIDE: Hollins Farm, Far Arnside. Extension to caravan and camping site with replacement facility building and new sewage treatment plant and associated landscape works. (Holgates Caravan Parks Ltd)

Councillor Ian Stewart, local Ward Member, spoke in objection to the application. He drew attention to Cumbria County Highways comments detailed in the report and advised that he had sought further clarification regarding their response. He stated that Cumbria County Highways had not submitted a formal objection due to their mistaken perception that the proposal related only to the land that benefited from a Lawful Development Certificate.

Colin Patrick, Chairman of Arnside/Silverdale Area of Outstanding Natural Beauty Landscape Trust spoke in objection to the application. A full copy of his submission is available on the Democratic Services File.

Ron Ireland, a resident of Cove Road, Silverdale, Mr Webb, on behalf of the Arnside and District Natural History Society and Ineke Fisher spoke in objection to the application. Full copies of their representations are available on the Democratic Services file.

Lucy Barron, spoke on behalf of Arnside and Silverdale Areas of Outstanding Natural Beauty. She encouraged the Committee to refuse the application due to the increase in vehicular activity and detrimental impact on the landscape. In addition, she highlighted that the application would be contrary to Local Plan policies. Rowena Lord spoke in objection to the development. A full copy of her representation is available on the Democratic Services file.

Mr Brian Barden, from Barden Planning Consultants, responded on behalf of the applicant. He advised the Committee that the applicants had offered to relinquish permitted development rights associated with the site and would not pursue the Appeal against the Enforcement Notice for adjacent land for which they believed they had established use rights. With regard to the local roads serving the site he asserted that the perceived problems would not be perpetuated by the development. In relation to concern regarding the use of blue chipping for the hardstanding he advised that the applicant was willing to give further consideration to the type of material used.

A lengthy discussion took place in which Members considered all the issues that had been raised. On balance it was felt that the visual impact of the development, lack of lighting details and the increase in traffic generation were sufficient to justify the
refusal of planning permission.

REFUSE

P/133 COMPLEX PLANNING APPLICATIONS

RESOLVED – That the following applications be determined in the manner set out:-

2.SL/2009/1132 LOWER ALLITHWAITE: Part of OS 8270, Blenket Farm, Jack Hill, Allithwaite, Grange over Sands. Erection of two agricultural buildings, formation of yard areas and agricultural access with associated landscaping (Retrospective). (Mr Richard Whitton)

Consideration of this application had been deferred at the last Planning Committee meeting in order to undertake a site visit. Members had now had the opportunity to fully assess the proposal in relation to the location.

Members concluded that the easternmost building was acceptable. However the western building was more prominent and had resulted in the loss of the landscape screening in part. On the basis that the applicant had offered to remove the western building on his retirement in three years times, it was considered that this should be given a temporary consent only.

GRANT – subject to temporary consent only for building on the western side and the re-instatement of land with new landscaping as part of an overall scheme to replace that which had previously been lost.

4.SL/2009/1138 ALDINGHAM: Canterbank Farm Leece, Ulverston. Agricultural worker's dwelling. (Mr Brian Cooper)

The Land Agency Manager at Lancashire County Council had concluded that there was no functional need for the construction of an agricultural workers dwelling.

Therefore, due to the recommendation of the agricultural appraisal, Members felt the proposed development could not be supported.

REFUSE – due to lack of functional need for the additional dwelling on the farm being evidenced.

5.SL/2010/0084 GRANGE OVER SANDS: Greaves Wood Lodge, Allithwaite Road, Grange over Sands. Dwelling. (Mr & Mrs R and K Carmichael)

The Committee was updated on consultee responses received. Grange Town Council had raised objections to the application due to insufficient evidence of an Environmental Impact Assessment. Natural England had requested that a bat and bird survey be carried out and that an ecological survey be carried out before the tree on the site was removed.
An objection had been received from a neighbouring resident. Concerns raised related to the scale of the development, parking arrangements, the presence of a limestone pavement, the proximity of the application to the tree root area and a request that the development be limited to a single storey dwelling.

The Development Control Manager reported that a detailed tree survey had been provided to the satisfaction of the Council's Arboriculturist. An ecological survey covering bats and birds would be requested prior to the determination of the reserved matters. It was also felt reasonable to impose a condition requiring the building to be single storey to meet the neighbour's concerns.

On balance, the proposal was considered to be acceptable in this location.

**GRANT** – outline consent subject to the following conditions:-

1. standard outline time limit;
2. standard outline condition (all matters reserved);
3. the submission of a bat/breeding birds study and ecological survey prior to submission of reserved matters application;
4. details of floor/site levels being agreed;
5. tree protection measures during the construction period being agreed; and
6. the development being limited to a single storey dwelling only.

6.SL/2010/0103

**KENDAL:** Former Webbs Garden Centre, Burneside Road, Kendal. Revised scheme for planning permission SL/2007/1196 Block D (Change from 2 houses to 4 apartments) and Block G (change from 15 to 23 apartments). (Mr Mike Dowse)

The application had been withdrawn prior to the Committee meeting.

**WITHDRAWN**

7.SL/2010/0110

**NATLAND:** Adjacent to 8 Watercrock Farm, Natland, Kendal. Removal of Condition No.2 (Local Occupancy) on Planning Permission SL/2009/0110). (Mr S Jelley)
Natland Parish Council had not raised any objections in principle to the application but considered that the alternative condition recently used to ensure occupancy as a sole or primary residence was appropriate.

The Development Control Manager advised Members that the alternative condition was an appropriate compromise, given that the site was outside the Kendal boundaries. This would be consistent with other recent applications of the Local Occupancy condition.

**GRANT – subject to an alternative occupancy condition requiring the dwelling to be occupied as the sole or primary residence only (standard revised condition).**

*Note – Andy Roe, Development Control Manager, declared a personal and prejudicial interest in the following item of business, by virtue of being a member of Netherfield Sports Cricket Club and a Director of the County Football Association that had funded the development. He left the Council Chamber during the discussion and voting of - 10.045 Netherfield Sports Cricket Grounds, Parkside Road, Kendal.*

**P/134 ENFORCEMENT ACTIVITY FROM 25 DECEMBER 2009 TO 22 JANUARY 2010**

Members were presented with a report on enforcement activity between 25 December 2009 and 22 January 2010. Four outstanding cases from the enforcement caseload had been resolved. Thirteen new complaints had been recorded and were being investigated, of which three had been resolved.

**09.193 26 Sedbergh Drive, Kendal**

Complaints had been received from neighbours of the above property. The owners of 26 Sedbergh Road had erected a 1.8 metre high fence to the Northern boundary. The fence was not in keeping with the openness of the area and was regarded as unacceptable development in this location.

The owners had indicated that they were not willing to reduce either the height or the position of the fence. Therefore, Members authorisation was sought to take all necessary enforcement action to either remove the fence or reduce it to the permitted height of 1 metre.

**10.022 Lime Kiln, Sunbrick Lane, Baycliff Farm**

It had been brought to the attention of the Enforcement Officer that unauthorised development of an agricultural building within the site had commenced. It was also reported that another previously approved building had been built at the wrong height.

It was felt that this form of development was unacceptable in this location, due to its openness and prominent siting in open country side with views from the A 5087 coast road and the adjacent bridleway.
10.041 Whitefoot, Burneside

A complaint had been received regarding the building works being carried out in the field to the south of Whitefoot House. Further to a site visit the Enforcement Officer had confirmed that hardcore ready to receive concrete and a septic tank with soak away had been installed. Members’ authorisation was sought to remove the hardcore and septic tank.

10.045 Netherfield Sports Cricket Grounds, Parkside Road, Kendal.

Planning permission for the erection of a sports changing block and viewing area had been granted, details in the application had stated that the colour of the roof would be a dark Merlin Grey. A site visit had been carried out and the agent had confirmed that the roof was a much lighter Goose Wing Grey which was almost white in appearance. Therefore, authorisation was sought to change the colour of the roof.

RESOLVED – That

(1) the report be received;

(2) in respect of 09.193 26 Sedbegh Drive, Kendal, the Corporate Director (Monitoring Officer) be authorised to take all necessary enforcement action to secure the removal or reduction of the fence to the permitted height of 1 metre;

(3) in respect of 10.022 Lime Kiln, Sunbrick Lane, Baycliff Farm, the Corporate Director (Monitoring Officer) be authorised to take all necessary enforcement powers to secure the removal of the unauthorised structure and that the approved building was reduced to the correct height;

(4) in respect of 10.041 Whitefoot, Burneside, the Corporate Director (Monitoring Officer) be authorised to take all necessary enforcement action to secure the removal of the hardcore and septic tank; and

(5) in respect of 10.045 Netherfield Sports Cricket Grounds, Parkside Road, Kendal, the Corporate Director (Monitoring Officer) be authorised to take all necessary enforcement action to secure a change of colour of the roof so that it was consistent with the terms of the Planning Permission.

P/135 A REPORT ON THE OUTSTANDING ENFORCEMENT CASELOAD BETWEEN 1 JANUARY 2004 AND 22 JANUARY 2010

RESOLVED – That the report be noted.

P/136 ENFORCEMENT ACTIVITY FOR 2009

Members were informed about enforcement activity during 2009. The report advised on the number of complaints that had been received, Notices that had been served, prosecutions, the number of resolved cases and cases that remained outstanding.

RESOLVED – That the report be noted.
P/137 APPLICATIONS CONSIDERED PREVIOUSLY BY THE PLANNING COMMITTEE AND DETERMINED BY THE CORPORATE DIRECTOR (COMMUNITIES) BETWEEN 16 FEBRUARY AND 12 MARCH 2010

RESOLVED – That the report be noted.

P/138 APPEALS UPDATE AT 12 MARCH 2010

RESOLVED – That the report be noted.

P/139 APPLICATIONS DETERMINED BY CUMBRIA COUNTY COUNCIL

RESOLVED – That the report be noted.

The meeting ended at 1.30 p.m.
SOUTH LAKELAND DISTRICT COUNCIL

From: Corporate Director (Communities)  
To: Planning Committee – 29 April 2010

REPORT OF CORPORATE DIRECTOR (COMMUNITIES)

PLANNING APPLICATIONS FOR DECISION

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Background papers relating to the subject matter of the report
For all items the background papers are contained in the files listed in the second column of the schedule index.

Note: The background papers may be inspected at the offices of the Corporate Director (Communities), Lowther Street, Kendal, Cumbria
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SCHEDULE A

Complex Planning Applications

SCHEDULE No: 1

SL/2010/0033
EGTON WITH
NEWLAND: THE
BRITANNIA INN,
PENNY BRIDGE,
ULVERSTON

PROPOSAL:
CHANGE OF USE
FROM PUBLIC
HOUSE TO
DWELLING

FREDERIC
ROBINSON LTD

29/04/2010
E330992 N482937

SUMMARY:

Proposed change of use of public house to dwelling. Concerns raised in the local community about the loss of the facility. Further information requested regarding the marketing of the site.

PARISH COUNCIL:

Does not approve and would prefer the site to remain as a public house.

CUMBRIA HIGHWAYS:

Recommends conditions to be attached to any consent regarding the surfacing of the access drive, surface water drainage and access gates.

ENVIRONMENT AGENCY:

No comments to make.

OTHER:

Five letters of objection and two letters commenting on the proposal have been received from local residents. Their concerns are as follows:

- Penny Bridge needs an active pub to provide a centre where locals can meet and socialise. The pub was vibrant and profitable in 2006/7 when managed by a competent licensee. It is only weak management that has reduced it to its sorry state.

- It is a great shame that another village pub is being forced to close. The brewery didn’t offer any help in the maintenance of the building, nor have they made any effort to sell it as a going concern.
• The Britannia Inn is the only community facility apart from the school and its closure has left the village without a focal point.

• Surely this pub should have been offered for sale as a going concern and as a free house this could have survived as a profitable business. A previous tenant offered to buy the freehold of the site, but was declined by the Brewery. A more recent offer to buy the site to operate as a free house was made to the brewery last year, but not accepted. There does not appear to have been any marketing of the site including estate agents boards outside the property.

• The proposal could lead to further development within the car park to the rear which would adversely affect the privacy of the adjacent residential properties.

DESCRIPTION AND PROPOSAL:
The Britannia Inn is located on the main street within the village of Penny Bridge. It comprises of a traditional two storey building attached to a terrace of cottages to one side with access to a rear car park to the other. The pub ceased trading in February 2009.

The application relates to the change of use of the property to a single dwelling. No external alterations are proposed.

In support of the proposal, the applicants have submitted a statement which concludes that the premises have ceased to be viable as a public house and successive tenants have struggled and consequently terminated their lease. On attempting to sell the business little interest has been shown and any interest revolves around changing the premises to a dwelling. They also state that Penny Bridge is a quiet secluded village with no attractions to visit or shops. There are several other pubs in the vicinity of the site at Greenodd, Spark Bridge, Lowick Green, Bouth and Haverthwaite, and the site is not accessible by public transport. The limited size of the building also gives no scope for bed and breakfast trade.

POLICY ISSUES:
Planning Policy Statement 4: Planning for Sustainable Economic Growth, includes guidance for determining applications which affect shops and services in villages. Policy EC13 states that such applications should take into account the importance of the facility to the local community or the economic base for the area if the proposal would result in its loss or change of use.

Policy H13 of the South Lakeland Local Plan states that proposals for the conversion of rural facilities to residential use will be permitted only where the loss of the facility would not result in the loss of village vitality; the facility is no longer viable and the property has been marketed for at least 9 months. A statement of the efforts that have been made to market it or to secure the re-use of the facility must support such an application.

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 nature and location of the building itself is such that its conversion into a single dwelling would not be inappropriate.

However, the main issue in this case is whether the loss of this village facility can be justified, particularly given the information put forward by local residents and the Parish Council.
The Britannia Inn is the only pub in Penny Bridge and apart from the school, the only community based facility in the village. Although it is acknowledged that there is another public house located in the adjacent village of Greenodd some quarter of a mile to the south, the local community clearly value the facility and would wish to see it retained. There also appears to be evidence that there has been some interest in purchasing the business as a going concern which is contrary to the information supplied by the applicant. There is a bus service 200 yards from the site and it is located on a long distance cycle route.

Policy H13 of the South Lakeland Local Plan states that in order to demonstrate that the facility is no longer viable, evidence needs to be submitted to show that the site has been marketed for at least 9 months.

The applicants supporting statement includes information about the most recent tenants and drink sales information going back to 1999. They state that following its closure in February 2009, there has been a trickle of interest from people wishing to buy the site, but only for use as a private dwelling. The only marketing evidence submitted relates to excerpts from Robinson’s Brewery website which advertised the tenancy of the pub between March and June 2008. Reference has been made to a local estate agent dealing with the sale of the premises, but no up to date marketing evidence or sales details have been provided.

It is considered, therefore, that insufficient evidence has been submitted to demonstrate that the business is no longer viable and the site has been suitably marketed as a going concern for at least 9 months. Unless further details are forthcoming, it is recommended that the application be refused.

**RECOMMENDATION:** REFUSE for the reason below:-

In the absence of evidence to demonstrate that the Public House is no longer viable or that the property has been appropriately marketed for a period of at least 9 months, it is considered that the loss of this facility would harm the vitality of the village of Penny Bridge. As such the proposal is contrary to Policies EC13 of Planning Policy Statement 4 and H13 of the South Lakeland Local Plan.
SCHEDULE A

Complex Planning Applications

SCHEDULE No:  2

SL/2010/0081
KENDAL: K VILLAGE
SITE, LOUND ROAD

PROPOSAL:
AMENDMENTS TO
PLANNING
PERMISSION
SL/2005/0619 TO
FACILITATE THE
RELOCATION OF
THE HERITAGE
CENTRE TOGETHER
WITH ADDITIONAL
RETAIL TRADING
SPACE, OFFICE
SPACE IN PLACE OF
PREVIOUSLY
APPROVED
RESTAURANT AND
HERITAGE CENTRE

KENDAL RIVERSIDE LTD

SUMMARY:
The increase in “factory outlet” retail floorspace, at the expense of restaurant space, and the
ground floor location of the heritage centre, is compatible with current guidance relating to out-
of-centre retailing. Grant.

KENDAL TOWN COUNCIL:
To be reported.

CUMBRIA HIGHWAYS:
To be reported.

GOVERNMENT OFFICE FOR THE NORTH WEST:
GONW has confirmed that it does not intend to be involved with this proposal and the
Council is free to determine the application.

ENVIRONMENT AGENCY:
No objection in principle to the amendments proposed. A new or revised Flood Risk
Assessment (FRA) has not been submitted but the construction of the development has not
altered. A revised FRA is not necessary.
KENDAL CIVIC SOCIETY:
Council Members have considered this application at length and wish to object to it most strongly.

The original plans for the development of K Shoes site included a splendid new Heritage Centre to house and display all the historical collection. Former K Shoes employees and their families were delighted that the records of the firm were to come home to Kendal. As we recall, this provision of a Heritage Centre played a large part in the granting of the planning permission in 2005.

Now it appears that it will not be housed in the drum tower rising so impressively beside Nether Bridge, but in two separate rooms hived off on the first floor amongst the office accommodation. We understand the motives behind this proposed change of use. The provision of yet more retails space will be of far greater financial benefit than the display of ancient history, but there is more to life in a community than shopping.

Kendal has already lost to this developer, and quite unnecessarily, the old Coal Wharf which gave meaning to Change Bridge. Modern development there has obliterated almost two centuries of Kendal’s past. Kendal must not lose out, yet again, with this dismissive attitude to the history of shoe making in the town. This is not good enough. Kendal deserves better than this from its developers, and we vigorously oppose this application. We trust that planning officers will also understand the need to preserve and celebrate Kendal’s past in a fitting manner.

HISTORICAL CONTEXT:
Planning permission was granted in September 2006 for the redevelopment of the K-Village site comprising a retail factory outlet centre (FOC), restaurants, heritage centre, basement parking and 120 apartments. The scheme was subsequently amended by the substitution of 30 of the apartments by 1550 square metres of office space; planning permission for this change was issued in December 2007.

DESCRIPTION AND PROPOSAL:
Internally, the building is to be re-arranged to facilitate an additional 1039 square metres of retail factory outlet trading floorspace and an additional 487 square meters of office space in place of previously approved restaurant floorspace, retail storage floorspace and the ground floor location of the heritage centre. It is argued by the applicant company that the additional retail floorspace is necessary to create a greater retail attraction to compete with larger FOCs at Fleetwood, Colne and Gretna Green thereby making the redeveloped K-Village more viable. Apart from the enclosure of the colonnaded area of four of the units on the riverside elevation, the alterations are all to take place within the shell of the building as approved.

The heritage centre was originally to have been sited on the ground floor at the northern end of the building. It is now proposed that it be established on the first floor above the main entrance from Lound Road between two of the office units. In addition to a staircase, a dedicated lift will bring visitors straight into the heritage centre which, in turn, will open out onto the landscaped courtyard. The main exhibition space will feature film footage and display material relating to the history of shoe design, manufacturing and production in addition to the history of the town. A separate heritage archive is also to be established on the first floor.

The additional 487 square metres of office space is to be created on the second floor in a part of the building previously allocated for storage.

The following table compares the space occupied by the various uses as permitted by the earlier planning permissions and as now proposed:
As permitted | As proposed
---|---
Retail trading floorspace | 3102 sq m | 4141 sq m
Retail storage | 1785 sq m | 1740 sq m
Restaurant floorspace | 1199 sq m | 936 sq m
Heritage centre | 518 sq m | 332 sq m (including the archive)
Office floorspace | 1557 sq m | 2044 sq m

**PLANNING POLICY:**

The starting point for assessing planning applications for retail development is Planning Policy Statement 4 (“Planning for Sustainable Growth”), published by the Government last year. PPS4 advises that planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date development plan should be refused planning permission where:-

(i) the applicant has not demonstrated compliance with the requirements of the sequential approach; or

(ii) there is clear evidence that the proposal is likely to lead to significant adverse impacts taking account of the likely cumulative effect of recent permission, developments under construction and completed developments.

Policy W5 of the Regional Spatial Strategy states that retail development should be consistent with the scale and function of town centres, should not undermine the vitality and viability of any other centre or result in the creation of unsustainable shopping patterns. Kendal is listed under Policy W5 as being one of the centres where comparison retailing facilities should be enhanced and encouraged.

Local Plan Policy R2 indicated that proposals for edge-of-centre sites should only be supported if it can be demonstrated that there is an absence of suitable sites in the town centre.

Policy CS7.5 (Town centre and retail strategy) of the Submission Core Strategy states that support will be given to maintaining and enhancing the vitality and viability of a hierarchy of towns and local centres; Kendal in at the top of the hierarchy,. Under Policy CS7.5, site selection for retail and other town centre functions is to follow prevailing national and regional policies. Additional retail floorspace outside of town centres will normally be strongly resisted, particularly where vacancy rates in the centres are high.

**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 retail planning consultant, acting on behalf of the Council, has reviewed this application in the context of PPS4 and has concluded that it can be supported for the following reasons:

(1) Despite the out-of-centre location of the FOC the proposal satisfies the sequential assessment test as there are no more central sites available within the same
timescale.

(2) The proposed increase in retail floorspace is relatively modest and the impact on town centre trade and turnover should be limited. In addition, any impacts are likely to be offset, partially at least, by increased footfall in the town centre. Survey evidence indicates that about half the visitors to the old K-Village FOC also visited the town centre.

(3) A town centre health check, undertaken in 2008, identified the growing number of vacancies as one of Kendal’s main weaknesses. The proposed increase in retail floorspace at the K-Village FOC will not directly address this weakness but the site has good accessibility at most times and the development has the potential to generate linked trips to the town centre.

Relocating the heritage centre from the ground floor to the first floor is acceptable from a planning point of view. The installation of a dedicated lift to the centre should ensure that it is accessible to all.

Finally, the additional office floorspace on the second floor represents an appropriate use for this part of the building.

**RECOMMENDATION:** GRANT subject to the application of the same conditions as the “parent” planning permission to ensure that the retail operation functions as a factory outlet centre.
SCHEDULE A
Complex Planning Applications

SCHEDULE No: 3

SL/2010/0099
ULVERSTON: HART STREET STORES, 42 HART STREET, ULVERSTON

PROPOSAL:
CHANGE OF USE OF PART OF SHOP TO FORM CHILDREN'S SOFT PLAY AREA

MR KEVIN JOSEPH LACKEY

29/04/2010
E328994 N478507

SUMMARY:
Proposed change of use of part of a convenience store to children's soft play area. Consultation responses awaited in response to potential noise impact and parking and highway issues.

ULVERSTON TOWN COUNCIL:
Approve.

CUMBRIA HIGHWAYS:
To be reported.

SLDC ENVIRONMENTAL PROTECTION GROUP:
To be reported.

OTHER:
Four letters of objection and two letters commenting on the proposal have been received from local residents. The main concerns relate to:

- The proposed change of use will result in even more parking problems for local residents who have great difficulty in parking their own vehicles because of shoppers, town centre workers and members of the church parking on Hart Street and the adjacent side streets. The situation will worsen when parents using the facility will seek to park in this area. The existing customers to the shop either arrive on foot or park for short periods. The play facility will result in people parking for longer periods.
- Hart Street is a busy road and the proposed use would create additional congestion and raise highway safety issues.
• The proposed play area directly adjoins a party wall with two residential flats and this will lead to an increase in noise levels affecting the amenity of residents. No mention of soundproofing has been included in the proposal.

DESCRIPTION AND PROPOSAL:
The site currently operates as a convenience store and is located on Hart Street, to the east of Ulverston town centre and opposite the former Victoria School site, which has been recently redeveloped. A church adjoins the site to the west and a terrace of traditional housing to the east. Adjoining the site to the south are two residential flats which were converted from the rear part of the building some 22 years ago, and share a party wall with the site.

It is proposed to convert the rear part of the existing shop and storeroom into a children’s soft play area for young children up to the age of 8, comprising climbing frames, a slide and associated equipment. The proposed play area would extend to 118 square metres and include a seating area for parents and facilities for light refreshments and a small party area. The maximum capacity of the play centre would be between 15 and 25 children at any one time. The shop floor would be reduced in size by approximately half and occupy the front part of the building which would also serve as the entrance to the play area.

The proposed opening hours of the play area would be 9am to 6.30pm each day. The shop opening hours would remain as 8.30am to 10pm each day.

No external alterations are proposed.

POLICY ISSUES:
Policy S10 has regard to parking provision for new developments.

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 two main issues concerning this proposal relate to the potential noise impact on adjoining residents who share a party wall with the site, and the impact of the proposed use on the adjacent highways in terms of parking demand and highway safety.

The applicant has subsequently submitted an acoustic report which includes sound tests taken from one of the adjacent flats, to assess the likely noise impact from the proposed play area. The report concludes that the noise generated by children playing in the soft play area should be suitably attenuated by the existing wall because of its form and construction. The Environmental Protection Officer has been asked to assess the details which have been submitted, and their response will be reported at the meeting.

With regard to the potential highway and parking issues arising from the proposal, the applicant has stated that although customers will use the current on street parking provision as currently occurs, they will actively encourage the use of the public car park at Tank Square some 287 yards from the site by offering discount on the entrance fee. It is also anticipated that many of the customers will be local and will therefore arrive on foot. They also state that the site is located next to a church, opposite a children’s play area and close to Ford Park where many people park on street locally, and the small scale of the proposed use would not cause more parking issues than already exist.

The applicants have also stated that if necessary they would be willing to run the play centre on a one year trial basis to enable the impact to be assessed.
The further information provided by the application has been passed onto the Highways Control Officer and his response will be reported at the meeting.

Subject to the above, the proposed change of use of part of the shop to provide an indoor children’s play area is considered to be acceptable in this location.

RECOMMENDATION:

The Corporate Director (Communities) to report on the outstanding consultation responses from the Highways Officer and the Environmental Protection Officer.
SCHEDULE A
Complex Planning Applications

SCHEDULE No: 4

SL/2010/0107
KENDAL: LAND AT BACK LANE, KENDAL

PROPOSAL:
DEMOLITION OF GARAGE AND ERECTION OF DWELLING

MR PHILIP TAYLOR

SUMMARY:
The scheme is considered to overcome the Inspector’s objections in relation to an appeal for a dwelling on the site.

KENDAL TOWN COUNCIL:
Approve provided Conservation Area standard materials are used.

CUMBRIA HIGHWAYS:
Do not wish to see any vehicular traffic on the public highway Back Lane which has a bad exit onto Castle Street. Similarly the route to back Castle Garth is a poor one. Concerned that this development will set a precedent for similar development in this area.

ENVIRONMENT AGENCY:
The proposed development is on the edge of Flood Zone 2/1, which is land that has between a 1 in 100 and 1 in 1000 probability of flooding from the River Kent in any year. No objection to the proposed development subject to a condition that the proposed development be in accordance with the details submitted in the Flood Risk Assessment.

UNITED UTILITIES:
No objections provided drained on separate systems.
OTHER:
Eight letters of objection have been received from Castle Garth residents. They adhere to previous objections to the development of the site; the impact on the Conservation Area, the loss of open space, encouragement of further similar developments, the detriment to pedestrian/vehicle safety and difficult access, reduction of permeable surface, loss of privacy to Castle Garth properties, over-development and the question of whether there are the necessary private rights of access.

HISTORIC CONTEXT:
In 2008, following a Committee site visit, planning permission was refused for a new dwelling with a parking space for it and a parking space for 18 Castle Crescent. That development was seen as an unacceptable form of piecemeal, backland development detracting from the Conservation Area and likely to encourage other such proposals. That development was also considered detrimental to vehicle and pedestrian safety. An appeal was dismissed but the Inspector’s concern was fundamentally with neighbourliness particularly with regard to 12a Back Lane and the gardens to the south but he did not consider the development unacceptable in principle, nor did he accept the access refusal reason.

DESCRIPTION AND PROPOSAL:
The application site is one of a group of open gardens between the narrow lanes serving the rear of Castle Garth and Castle Crescent. The Back Lane to Castle Crescent, although a narrow cul-de-sac, is a public highway. To the north of the site, in the 19th Century, were developed three short terraces and three pairs of cottages. The site and the land to the south are gardens with some outhouses and garage. The application site itself has an unprepossessing double garage fronting Back Castle Garth.

The double garage would be demolished and a new design of dwelling is proposed in its place. The footprint of this dwelling is smaller than that previously proposed consisting largely of the garage site with a single storey conservatory projection at ground floor level. It would not project beyond the edge of the nearest window to 12a, Back Lane and side views from the conservatory would be screened. Although only a one and a half storey house the ridgeline would be higher than previously proposed. The roof would be of slate with roughcast walls and timber windows. Stone boundary walls are proposed. The main windows would overlook its own garden but a bedroom window would overlook Back Castle Garth and the houses on the other side of the lane. Two secondary windows on the side walls of the two bedrooms would overlook the adjoining garage and parking space.

Being near to the town centre no on-site parking/garaging space is proposed.

The site is within the flood zone of the River Kent and thus the internal floor level would have to be raised above existing ground level and above the level of the ground floors of the earlier properly to the north and west.

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 S4 of the Local Plan protects from development Important Open Space. Key open space is identified but it is stated that there are other unspecified sites such as private gardens, allotments etc which may be also judged to be important.

Policy H4 of the Local Plan supports small-scale residential development in Ulverston and Kendal providing it does not remove important open space.
In relation to Policy H4 sites must be deemed suitable and details of density, siting, layout and access must be satisfactory.

It is relevant to consider whether the proposal meets the Inspector’s concerns as identified in the Appeal Decision Letter.

Private legal rights are not a planning matter.

**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 appearance of the dwelling is appropriate for this location in the Conservation Area and it would not be unneighbourly to the dwellings on Castle Crescent and would be more than 20 metres from the two storey, main rear wall of the Castle Garth houses. The redesign overcomes the impact on the dwelling immediately to the north in terms of overlooking and projection beyond the latter’s windows. The re-design also avoids overlooking of the open gardens to the south.

By omitting on-site parking the scheme would involve less traffic generation than the appeal scheme but the traffic issue was not one which concerned the Inspector.

Overall the development overcomes the Inspector’s concerns as identified in his Appeal Decision Letter without raising new issues. In this context it can be considered acceptable in relation to the identified policies.

**RECOMMENDATION:**  **GRANT planning permission subject to conditions relating to the following:**

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

**Reason (1)** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Condition (2)** The external walls shall be completed in the following manner:-

(a) with stone, a sample of which shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of work on the site; or

(b) with a finish of roughcast, being a finish in which the final coat contains a preparation of fairly coarse aggregate thrown on as a wet mix and left rough; or

(c) with a render of white or natural coloured cement, the render being smooth.

The precise details of the finish of the external walls shall be submitted to and approved in writing by the Local Planning Authority before the necessary work is commenced; the work shall be completed in a manner which will comply in all respects with the details approved in writing by the Local
Planning Authority.

Reason (2) 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 and to accord with Policy C16 of the South Lakeland Local Plan.

Condition (3) The roof shall be covered with slate being blue/grey/green in colour and of similar texture to those mined within the County of Cumbria a sample of which shall be submitted to and agreed in writing with the Local Planning Authority before any development work commences on site.

Reason (3) 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 and to accord with Policy C16 of the South Lakeland Local Plan.

Condition (4) As described in the submission the finished ground floor level shall be 45.41 metres above Ordnance Datum or such other level as shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason (4) To minimize the flooding risk on this within the Flood Zone of the River Kent and to avoid an over-prominent and unneighbourly development.

Condition (5) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended, (or any Order revoking and re-enacting that Order) express planning permission shall be obtained for any development falling within Classes A, B, C, D, E and F of Part I, Schedule 2 of that Order.

Reason (5) To avoid over-intensive and unneighbourly alterations.

REASON FOR GRANTING PLANNING PERMISSION:

The development of the site overcomes previous objections as identified in the Appeal Decision Letter referenced APP/M0933/A/08/2079913/WF (Our Ref: SL/2008/0232) and in doing so can be considered to accord with Policies H4 and C16 of the South Lakeland Local Plan.
SCHEDULE A

Complex Planning Applications

SCHEDULE No:  5

SL/2010/0127
KIRKBY LONSDALE:
HAWKRIGG FARM,
MANSERGH,
CARNFORTH

PROPOSAL: SITING
OF THREE HOLIDAY
CHALETS

K & G COWIN

29/04/2010
E359756 N482416

SUMMARY:
An additional three holiday chalets would be intrusive and damaging to the character and appearance of the countryside in this part of the Lune Valley. Refuse.

KIRKBY LONSDALE TOWN COUNCIL:
Approval recommended.

CUMBRIA HIGHWAYS:
The scale of the development is acceptable.

COUNTY COUNCILLOR:
The County Councillor for the Lower Kentdale Division has written to support the application and to request that it be considered by the Planning Committee. He argues that this relatively minor amendment to the existing development would assist the viability of the farm business in which many members of the family are engaged. The visual intrusion would not be much more than the existing development which, from most viewpoints, is well screened although additional landscaping might be required for the extra chalets. There are no highway-related problems.

OTHER:
One letter of support has been received in which it is pointed out that visitors to the caravan park at Hawkrigg Farm spend money in Kirkby Lonsdale and thus help to support local businesses.
HISTORICAL CONTEXT:
The holiday park was established following a planning permission granted in 2003 for 12 static caravans. More recently, in August last year, permission was refused, under delegated powers, for an additional three holiday chalets on the ground of visual intrusion. The additional chalets were to be sited at the southern end of the caravan park.

DESCRIPTION AND PROPOSAL:
This latest application is similar to the previous proposal in that the additional three chalets are to be sited at the southern end of the caravan park, although their individual positions have changed. One of the chalets is to be sited some 40 metres south of the current southernmost chalet, adjacent to the bridleway which passes parallel to the eastern boundary of the caravan park. The other two chalets are to be located to the west of, and at a higher level than, the southernmost chalet.

The southern part of the caravan park has been extended, without planning permission, into the adjacent field by approximately 30 metres when compared to the 2003 planning permission.

In addition to the caravan park, Hawkrigg is a working farm.

PLANNING POLICIES:
Policy EC7 of Planning Policy Statement 4 (“Planning for Sustainable Economic Growth”) states that “Local planning authorities should, through their local development frameworks, ensure that new or expanded holiday and touring caravan sites and chalet developments are not prominent in the landscape and that any visual intrusion is minimised by effective, high-quality screening.”

Policy T6 of the South Lakeland Local Plan allows small-scale extensions to caravan sites provided that there is no adverse impact on: the landscape or the built environment; the capacity of the road system and parking provision; or the protection of wildlife, archaeology and geological features. “Small-scale” is defined as being in the order of a 10% increase in numbers. Local Plan Policy E10 states that proposals for farm diversification will be permitted provided that the character of the area, amongst other defined character, is not damaged.

Policy CS7.6 of the Submission Core Strategy Development Plan Document supports the creation, enhancement and expansion of tourist attractions and tourism infrastructure in accordance with the development strategy in CS1 and the principles for tourism development in Policy W7 of the Regional Spatial Strategy (RSS). Development should be of an appropriate scale and be located where the environmental and infrastructure can accommodate the visitor impact.

Finally, RSS Policy EM1 states that “Priority should be given to conserving and enhancing area, sites, features and species of international, national, regional and local landscape, natural environment and historic environment 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 present caravan park at Hawkrigg benefits from a back-cloth of rising ground and a foreground of trees, some recently planted, and substantial farm buildings when viewed from the east. By contrast, this proposal would extend the caravan park in a manner which would
not benefit from the screening qualities of the farm buildings or the mature belt of trees. Two of the proposed chalets are to be sited behind the current most southerly chalet on rising ground. The third chalet is to be sited to the south of the existing units where it will significantly extend the boundary of the caravan park. On plan, this chalet appears to be within the boundary of the caravan park but it should be noted that the park has been extended here without planning permission.

The introduction of an additional three chalets would be in direct conflict with the objectives of the national, regional and local planning policies referred to earlier in this report. They would exacerbate the intrusive nature of the caravan park and would not constitute a small-scale extension as defined by Local Plan Policy T6. In order to limit the visual impact of the caravan park it is recommended that this proposal to increase the number of chalets should be resisted.

**RECOMMENDATION: REFUSE for the reason below:**

**Reason (1)** The additional three holiday chalets would be visually damaging to the character and appearance of the countryside surrounding the Hawkrigg Lune Valley Park. As a consequence, the proposal is not compatible with the aims and objectives of Policy EC7 of Planning Policy Statement 4 (“Planning for Sustainable Economic Growth”); Policies W7 and EM1 of the Regional Spatial Strategy; Policies T6 and E10 of the South Lakeland Local Plan; and Policies CS1.1 and CS7.6 of the Submission Core Strategy Development Plan Document.
SCHEDULE A

Complex Planning Applications

SCHEDULE No: 6

SL/2010/0150
ULVERSTON: LAND
AT BIRDLANDS, OLD HALL ROAD,
ULVERSTON

PROPOSAL: TWO DWELLINGS

MR & MRS A WALKER

29/04/2010
E328367 N479180

SUMMARY:
Outline proposal for the construction of two dwellings on the edge of the development boundary. Concerns relating to access details and impact of the proposed dwellings on adjacent properties.

ULVERSTON TOWN COUNCIL:
The Town Council recommends refusal of this application on the grounds that the location is outside the development boundary and great concerns over safety and access onto a busy road. Request this application goes before planning committee and that a site visit is arranged.

CUMBRIA HIGHWAYS:
Cumbria Highways is strongly opposed to this application as submitted. The lack of visibility splays would be likely to create conditions prejudicial to highway safety.

OTHER:
Six letters of objection to the proposal have been received from neighbouring residents. Their concerns are as follows:

- The site is located outside the development boundary for Ulverston within the County Landscape area.
- An appeal for the construction of a dwelling on this site was dismissed in 1985 following refusal by the District Council.
- The development would create additional traffic onto Old Hall Road which is narrow and dangerous. The road is subject to speeding vehicles and heavy farm traffic. The access to the site is on a dangerous bend in the road,
• No further development should be allowed in this area until the new Local Development Plan has been finalised.

• The proposal represents an overdevelopment of the site. The proposed dwellings would have a detrimental impact on the privacy and amenity of the bungalows on Willowdene Gardens.

• Construction of two other dwellings and a bed and breakfast development have been allowed in the vicinity of the site. The utility services have reached their maximum capacity.

HISTORICAL CONTEXT:
Planning permission was refused for the construction of a dwelling on this site in 1984 and an appeal was subsequently dismissed in 1985. The main reason for refusal related to the impact of the development on the landscape quality of the area.

DESCRIPTION AND PROPOSAL:
The site comprises a detached dwelling known as Birdlands set in substantial grounds which front onto Old Hall Road, on the northern fringe of the built up area of Ulverston. Permission has previously been granted for the extension and remodelling of the property, and for the construction of a detached garage. This work is currently ongoing.

This outline application relates to the construction of two detached dwellings on an area of land which fronts onto Old Hall Road adjacent to the existing access, and which comprises an informal paddock area associated with the dwelling. Residential properties adjoin the site to the east and also to the south and south west. The dwellings located in Willowdene Gardens to the east have relatively shallow rear gardens and consequently are positioned close to the boundary of the site. Consent has recently been granted for two dwellings on the opposite side of Old Hall Road to the south of the site.

The site is located outside the current development boundary for Ulverston which runs along the eastern and southern boundary. Semi mature trees bound the site to the west and the applicant has undertaken some planting to the east and north, segregating the area of land from the existing house.

The indicative plan submitted with the application shows two dwellings positioned at right angles to the road with a widened access remaining on the western side of the site. The dwelling closest the road frontage would be of a dormer style bungalow with attached garage and other dwelling located on slightly higher land to the rear would be single storey.

POLICY ISSUES:
Planning Policy Statement 3 (PPS 3) – Housing requires Local Planning Authority’s to demonstrate that appropriate measures are introduced to improve housing land supply. Paragraph 71 of PPS3 states that where Local Planning Authorities cannot demonstrate an up to date 5 year supply of deliverable sites they should consider favourably planning applications for housing of an appropriate scale and in sustainable locations.

The NW Regional Spatial Strategy (RSS) was adopted in September 2008, replacing many of the policies within the Cumbria and Lake District Joint Structure Plan. Policy L4 of the RSS requires that Local Planning Authorities manage land to ensure an appropriate level of housing supply. It also encourages the re-use of brownfield sites. Policy RDF2 promotes small-scale development to sustain rural areas outside service centres.

The South Lakeland Local Plan remains the adopted policy document but the policies should be considered against the background of the more up to date RSS. Policy H6 of the Local
Plan states that outside the settlements suitable for growth, development will not be permitted. Exceptions will only be considered where essential for agriculture or forestry, or to meet an identified local housing need.

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 Local Planning Authority is required to show that it is considering methods to bring forward housing development and improve land supply. As a result, contrary to Policy H6 of the Local Plan, suitable sites outside Settlement Development Boundaries must now be favourably considered, in order to improve supply and conform with PPS3 and the RSS.

As such, the location of the site outside the development boundary would not in itself be justification for a refusal in this case. Although it is acknowledged that a proposal for a dwelling on this site has previously been refused, the nature and appearance of the site has changed since 1984. The site relates relatively well to the existing built up area of Ulverston and as such it could be considered as an appropriate form of “rounding off” development.

However, it is considered that the scale, form and proximity of the proposed dwellings to the eastern boundary of the site would have a harmful impact on the amenity of the adjacent properties. Additionally, given the concerns raised by the Highways Officer, it is recommended that the development as currently proposed should be refused.

RECOMMENDATION:

The Corporate Director (Communities) to report on the issues raised and the outcome of the Committee site visit.
SCHEDULE A
Complex Planning Applications

SCHEDULE No: 7

SL/2010/0201 (FPA) & SL/2010/0202 (CAC)
KENDAL:
14 CROSS LANE,
KENDAL

PROPOSAL:
FIVE DWELLINGS

MR DON
LEWTHWAITE

29/04/2010
E351494 N492111

SUMMARY:
The principle of the development is considered acceptable subject to satisfactory responses relating to impact of surrounding noise levels and garage detailing.

KENDAL TOWN COUNCIL:
To be reported.

CUMBRIA HIGHWAYS:
To be reported.

CUMBRIA COUNTY COUNCIL HISTORIC ENVIRONMENT OFFICER:
The building dates at least to the eighteenth century and a condition should be attached requiring its archaeological recording before the implementation of the permission.

ENVIRONMENTAL PROTECTION GROUP (SLDC):
To be reported.

NATURAL ENGLAND:
To be reported.

KENDAL CIVIC SOCIETY:
This appears identical to SL/2009/0977. Our objections still stand and we would again urge refusal of the change of use from commercial to domestic.
HISTORIC CONTEXT:
At the February meeting following a Committee site visit planning permission was refused for a scheme which involved the demolition of the rear lean-to and the upward extension of the frontage stone building to provide five three-storey dwellings. It was refused because it was considered that the scale, overall height and massing would be overbearing and detrimental to the amenity of existing residential property in close juxtaposition, particularly that to the east, and thus contrary to Policy H4 of the South Lakeland Local Plan.

DESCRIPTION AND PROPOSAL:
Cross Lane runs parallel and to the west of Kirkland between Chapel Lane and Kirkbarrow Lane. The application relates to a two-storey, stone building with a rear lean-to. The west face of the building fronts directly on to the narrow Cross Lane. Along the southern side of the building runs Cock Beck under a line of sleepers which gives access from the building to a tarmacadamed yard area used for parking for the applicant’s business and by dwellings to the south. To the east of the building is further residential development while to the north and on the opposite side of Cross Lane are the factory premises of a local mint cake manufacturer and confectioner.

The building itself has been used for decades by the applicant’s joinery firm and as it pre-dates planning requirements has no planning conditions relating to working hours, delivery or noise levels. With changes in the trade the specialist joinery firm has reduced the staff over the years and will soon only have one. The applicant is planning to retire and his son is to carry on as an on-site joiner rather than fabricating more major work in the existing workshop. To re-equip the workshop with up-to-date equipment and modern extraction systems would not only be very expensive but the limitations of the building’s size and form would create difficulties.

It is proposed therefore to demolish the modern lean-to range on the west of the workshop but retain a 2-metre screening boundary wall. The main stone range would be converted to create five dwellings but the scheme has been re-designed so that instead of on the east elevation three floors of windows there would only be ground and first floor windows with roof-lights above them. The rear wall to Cross Lane would now remain at its existing height rather than be raised by 0.6 metres and the ridgeline be reduced by 0.6 - 0.7 metres compared to that previous scheme by a further 0.5 metres with the rear, eastern wall reduced by a similar amount. The apparent bulk of this rear elevation would be further reduced by dragging the roof down over two projecting two-storey bays. There would be no openings on the north and south stone gables. Openings to the narrow Cross Lane would be minimised to protect future resident’s privacy. There would be four long slot, staircase windows punctuating the stonework and some small-paned windows. The main windows and aspect would be on the eastern elevation and that new rear wall would be roughcast.

A reduced width of garage opening would be retained for the southernmost dwelling and there would be access both over the covered Cock Beck from the yard area to the south and from the north via a right of access across the forecourt of the Mint Cake Works. Five parking spaces would be provided in the rear area.

Bat and Contamination Reports have been submitted and an Archaeological Assessment of the Building prepared.

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 E6 of the Local Plan allows the change of use of employment premises where the existing or proposed use is unneighbourly or the firm would move to a more viable location.

Policy H4 of the Local Plan supports small-scale residential development in Ulverston and Kendal providing it does not remove important open space.

Policy H11 of the Local Plan supports the conversion of buildings to residential use within development boundaries subject to defined criteria.

The Core Strategy of the Local Development Framework (LD) would not require local or affordable occupancy on this scale of development. Cock Beck flows into the River Kent a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), which are protected by Policies C6 and C7 of the South Lakeland Local Plan.

It is relevant to consider whether the proposal overcomes the refusal of the previous scheme on design grounds.

**ASSESSMENT:**

The principle of the conversion of the site from industrial to residential remains acceptable. In the past the Cross Lane and adjoining Buttery Well area has had significant commercial and industrial uses most of which have now re-sited or ceased. This and the Mint Cake Works represent the last of such uses but the modern deliveries and equipment do have an impact on the closely, adjoining dwellings. The applicant has voluntarily limited working hours on the site, installed sound-proofing and managed deliveries so that the blockage of the highway is minimal. Anyone else taking over the joinery and establishing themselves is unlikely to restrict trade to this extent. The modern mix of industry and dwellings is considered unneighbourly and a potential source of future conflict. In these circumstances the principle of the loss of employment premises and conversion to residential use is considered acceptable in principle.

The rear lean-to which it is proposed to demolish has itself no features of historic or architectural interest and its contribution to the character of this part of the Conservation Area is negative. There are no objections to the demolition.

The key aspects of the proposal for assessment are therefore the revised details of design and in particular the reduction in height and in the mass and dominance of the east elevation and the appropriateness of the appearance in terms of the architectural and historic character of the area. It is considered that the western, northern and southern elevation retains the strong character of the stone, barn-like building. The openings on the western elevation add discrete interest. The private, eastern elevation is more modern in appearance but acceptable in its context and the design revisions are successful in reducing the impact and overcoming the previous objection. No representations have been received about the design details or scale of the building from the neighbouring occupants.

The issue of the safety of the garage entrance, referred to by the Highway Authority, in the case of the previous application has been resolved. The Environmental Protection Group comments are awaited. If any issues raised by that group are satisfactorily resolved then the scheme is considered acceptable in principle. Any permission would need to be subject to conditions relating to Bat Mitigation Measures, Contamination Mitigation, Archaeological Recording and Surface Water Disposal as well as conditions relating to the precise specification of materials.

**RECOMMENDATION:** Subject to the outstanding consultation replies raising no fresh issues, that the following recommendations are made:

(1) Planning permission (SL/2010/0201) be GRANTED subject to:

(1) Materials
(2) External surfacing treatment
(3) Approval of details of surface water drainage
(4) Archaeological Recording
(5) Bat Mitigation Measures
(6) Contamination Mitigation

REASON FOR GRANTING PLANNING PERMISSION SL/2010/0201
The proposed development would enhance the special architectural and historic character of this part of the Kendal Conservation Area thereby according with Policy C16 of the South Lakeland Local Plan. It would moreover accord with Policies H4, H11, E6, C6 AND C7 of that Local Plan and overcomes design objections to a previous refusal of planning permission on the site under reference SL/2009/0977.

(2) Conservation Area Consent SL/2010/0202 be GRANTED subject to:
   (1) Archaeological Recording
   (2) Bat Mitigation Measures

REASON FOR GRANTING CONSERVATION AREA CONSENT SL/2010/0202
The demolition of the utilitarian, modern lean-to workshop would involve no loss of special architectural or historic character and would enhance the character of this part of the Kendal Conservation Area in accordance with Policy C16 of the South Lakeland Local Plan.
SCHEDULE B

Planning Applications where the Corporate Director (Communities) is seeking authority to determine

SCHEDULE No: 8

SL/2010/0190

KILLINGTON:
HALLBECK FARM,
KILLINGTON,
KIRKBY LONSDALE

PROPOSAL:
AGRICULTURAL BUILDINGS AND SLURRY STORE

MR ROBERT WALLER

29/04/2010
E362056 N488356

SUMMARY:
A resubmitted application for erection of livestock buildings and a slurry store on an established farm unit.

KILLINGTON PARISH COUNCIL:
Comments due by 6 May 2010.

ENVIRONMENTAL PROTECTION GROUP:
To be reported.

OTHER:
Comments due by 29 April 2010.

HISTORICAL CONTEXT
A planning application was submitted in July 2009 (SL/09/0594) for a new livestock building and slurry store. The decision to approve the application was successfully challenged on legal grounds and as a result the decision was set aside, effectively re-activating the application. The application was then withdrawn to allow consideration to be given to a revised application in an attempt to overcome the issues that led to the legal challenge. This application is again for new livestock buildings and a slurry store but in a different position.

DESCRIPTION AND PROPOSAL:
Hallbeck Farm is an established farm in a rural area. It is sat immediately adjacent to another farm, Low Hallbeck, and in fact the two farmhouses back onto each other.

The farm has a number of agricultural and livestock buildings of various ages and styles. The farm buildings are visible from the public road through gaps in the hedgerow.

The siting for all the new buildings is to the west and south of the farm unit. There are two proposed new farm buildings, which would be between existing buildings and the public road. The first would be to erect a roof over a slurry store which is immediately adjacent to an existing building. Then a new building would be constructed adjacent to that. This new building would measure 27.4m in length (the same as the adjacent building) and 18m in width. The building would have concrete panel and perforated mesh walls and fibre cement roofs in a blue finish.

The new slurry store would be approx. 12m to the south of the existing and proposed buildings and has a diameter of around 12m. It would also have a blue finish.

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.

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:
Under the previous application, the buildings were sited to the east of the existing unit, which due to topography and the existing building meant they were well screen from the public road. However the neighbours objected to this siting on the grounds that it would increase noise and odours to their farmhouse.

As a means of compromise to their neighbours, the applicants have suggested an alternative siting of the buildings although these are more obvious from the public road. However given this is an established farm and the buildings are well related to the existing farm buildings, they will not be seen as out of character in the area. The size and design of the buildings is consistent with other modern farm buildings and by using appropriate dark materials will help to reduce impact. A landscaping scheme will further help to minimise the impact of the buildings.

The proposed buildings are further away from the neighbours house than existing buildings and therefore although there may be an increase in stock or slurry volume, this should not be significantly worse than the current situation given the separation between the buildings.

RECOMMENDATION: Subject to no new material issues being raised by consultees, that the Corporate Director (Communities) be authorised to GRANT planning permission at the end of the consultation period and subject to the following conditions:

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

Reason (1) To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
Condition (2) The roof and walls of the proposed building and slurry store shall be finished in a dark matt colour material, the exact colour of which shall be agreed in writing by the Local Planning Authority prior to the commencement of works on site.

Reason (2) 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.

Condition (3) Within six months from the date when any of the buildings hereby permitted is occupied trees/shrubs shall be planted on the land in accordance with a landscaping scheme to be submitted to and approved in writing by the Local Planning Authority. Any trees/shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees/shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason (3) To ensure that the development is adequately screened from the:-

(a) adjoining properties,
(b) surrounding areas.

REASON FOR GRANTING PERMISSION:
The siting of the buildings is a satisfactory compromise between meeting the needs of the farm and consideration of a neighbouring property’s amenity. The buildings are associated with an existing farm unit and of an appropriate appearance which will not detract from the character of the area. Consequently the proposal is consistent with the aims and objectives of Policy S23 of the South Lakeland Local Plan.
SCHEDULE F

Straightforward Planning Applications

SCHEDULE No: 9

SL/2010/0175
OLD HUTTON AND HOLMESCALES:
GREENACRE BARN,
POPPLEMIRE LANE,
OLD HUTTON,
KENDAL

PROPOSAL: SITING OF TIMBER LODGE TO HOUSE DEPENDANT RELATIVES, TOGETHER WITH INSTALLATION OF SEPTIC TANK

MR & MRS LAUNDER

SUMMARY:
The personal family needs are not considered to outweigh the policy objections to the additional unit of accommodation on the site.

OLD HUTTON AND HOLMESCALES PARISH COUNCIL:
Comments to be received by 12th April.

DESCRIPTION AND PROPOSAL:
Greenacre Barn and Helmview are a pair of converted dwellings fronting Popplemire Lane in open country adjoining an older dwelling. Greenacre Barn has a relatively small garden immediately to its rear which is connected by a drive to the rear of Helmview to the joint vehicle access and a northern area of land exclusive to the use of Greenacre Barn. On this northern portion of the property, some 70 metres from the house, it is proposed to site a caravan with timber clad walls and a dark composite roof. It is intended for the occupation of Mr. Launder’s elderly parents who are in poor health and need family support. The parents’ GP has written in support describing their medical conditions and concluding that there would be physical and psychological benefits from having family close by to help.

A new septic tank would be installed for the proposed caravan and its outflow connected to the existing soakaway system which would be extended to cope. The caravan/lodge would share the existing joint access and turning space but have its own on site parking.

If a caravan within a domestic curtilage is used only for purposes incidental to the residential use of the dwelling house as such there is not a change of use but in this case the degree of separation of main house and caravan gives an independence in the occupation that requires planning permission. The agent refers to a personal consent for the applicants’ parents as an annexe to the main dwelling.
POLICY ISSUES:
Policy H5 of the South Lakeland Local Plan identifies settlements suitable for new housing within development boundaries. The site is not within such a settlement. The South Lakeland Local Plan does not have specific policies relating to residential caravans. Adopted Guidelines on domestic extensions does not include advice on caravans as additional accommodation.

Planning Policy Statement 1 and Planning Policy Guidance 3 set principles of sustainable development in locations with access to services not relying on private transport. Government advice in relation to personal circumstances has always been that they should not outweigh planning policies but only be taken into account where the planning issues are evenly balanced and it should be recalled that a development may exist long after the personal circumstances have ceased to be relevant.

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 proposal raises serious planning issues which must be weighed against the strong personal need described. Normally a long term need would be best met in a permanent, well-designed form. However an extension to the existing dwelling would be unneighbourly because of the juxtaposition to the two adjoining dwellings and the location is one where the erection of a new dwelling would be contrary to policy. As suggested by the agent, it would be possible to grant a personal and restricted permission rather than a permanent one for the use. However, accepting the principle of such development could encourage many other similar applications to accommodate relatives in local housing need in caravans in house gardens and those applications would be more difficult to resist if such permission had been granted here. On balance the policy objections outweigh the personal needs.

RECOMMENDATION: REFUSE for the reason below:-
The development would result in the creation of a separate dwelling unit in an unsustainable location in open countryside outside a settlement recognized as suitable for additional residential development by Policy H5 of the South Lakeland Local Plan. Moreover to accept the principle of such development could encourage the submission of many similar applications which would be made thereby more difficult to resist with consequent cumulative erosion of the attractive character of this rural area and contrary to the sustainable principles of PPS 1 and PPS 3 and contrary to the sustainable principles of the Regional Spatial Strategy.
SOUTH LAKELAND DISTRICT COUNCIL

Planning Committee

Date of Meeting: 29 April 2010

Report From: Corporate Director (Communities)
Report Author: Mark Balderson
Planning Enforcement Officer

Report Title: A Report on Enforcement Activity from 25 January 2010 to 26 February 2010

Summary
To inform Members about enforcement activity between 25 January 2010 and 26 February 2010. This report aims to provide a brief and informative insight into current enforcement cases.

If there are any specific enforcement cases that Members would like to be updated on at the next Planning Committee meeting, please contact Mark Balderson, Enforcement Officer.

Recommendations
That Members note this report and authorise or endorse enforcement action as recommended on the individual cases referred to.

Report

1. **Enforcement cases which have been resolved**
   
   4 outstanding cases from the enforcement caseload have been resolved between 25 January and 26 February 2010.

2. **New Enforcement cases**
   
   Between 25 January 2010 and 26 February 2010, 23 complaints have been recorded and are presently being investigated. 6 of these cases have been resolved.

3. **Enforcement Cases for which Committee consideration is sought**

   **10.100 Dallam School, Milnthorpe**
   
   Planning permission was granted under application ref SL/2007/0866 for an artificial pitch, associated fencing and lighting subject to conditions required a landscaping scheme to be submitted to and approved by the Local Planning Authority and thereafter carried out in the first available planting season. The site is also subject to a previous landscaping scheme for permission SL/2004/0148 relating to extensions at the school. This landscaping scheme was implemented but due to lack of maintenance approximately 50% of the trees have failed.

   It was originally intended that the trees planted in relation to the earlier scheme would suffice. However as many have failed, a new scheme is required. This was submitted last August but this relied on the trees planted as part of the previous scheme and took no account of the need to replace these failed trees or the need for a denser screen for the pitch. Since then there has been various correspondence with the agent and many promises that a scheme would be submitted. However, this has not been received and the planting season is drawing to a close.
It is important that the tree screening is carried out to provide a buffer zone for adjacent residential properties. Authorisation is therefore sought to take all necessary enforcement action to ensure that an appropriate landscaping scheme is carried out.

09.377 22 Hallfield, Ulverston

It has been alleged that the owner of 22 Hallfield, Ulverston is running his taxi business from the property.

A number of complaints have been received from residents within this tight cul-de-sac. The property is sited towards the turning head, which due to the parking of taxis and displacement of private vehicles is causing an undue obstruction, and adversely affecting neighbors’ amenity.

Sites visits have been carried out and taxis associated with the business have been seen along with employed drivers cars parked within the cul-de-sac.

A Planning Contravention Notice has been served and was returned stating that 3 taxis are used in connection with the business but only one is kept at the above address along with one private car. On the basis of the information returned in the PCN the decision was taken that this would not constitute a material Change in use and therefore no further action could be taken.

However, further information has necessitated the case to be reopened and investigated. It is clear now that the three taxis are being run and used from that property, one being a mini bus type and parked on a vacant property adjacent.

It is considered that the level of activity is unacceptable in this location and therefore authority is sought to take all necessary enforcement action to cease the use of the domestic dwelling for the running and keeping of taxis.

4. An update on Enforcement Cases involving formal action

An update on those cases involving formal enforcement action is attached as Appendix A for Members information.

09.211 Rear of Church Street, Milnthorpe

Members may recall authorising enforcement powers to cease the use of a newly created rear access between Church Street and adjacent commercial premises at Houghton’s Coach Builders and to restore the land to the condition prior to the works taking place.

An enforcement notice was served and the recipients lodged an appeal against the Notice, on the grounds that no material change of use had taken place in that the alleged access has not been used as such; the removal of the garden walls to facilitate access did not constitute a breach of planning control; and that the requirements in the notice were excessive to remedy the alleged breach.

In reaching his decision the inspector has allowed the appeal but with a variation to the notice. This requires the landowner to “reinstate the land with good quality top soil and restore the land to a grassed area in appearance”. The enforcement officer will be monitoring the site to confirm compliance with the notice.

10.003 24 Chapelfield, Burneside.

The Council received a number of complaints from residents of Chapelfield that upto 2 or 3 men were living in a caravan parked on the drive of 24 Chapelfield, Burneside.

A site visit by the enforcement officer confirmed that the caravan was not being used as residential accommodation nor could it be regarded as ancillary to the main residence. The occupants of the caravan have permanent residence outside the district but work for a local firm through the week, which necessitates the need for local accommodation.
This material Change of Use creates a new household at the site. The establishment of a caravan used residentially intensifies the use of the site creating the need for additional parking and a potential doubling of the traffic generated by a single residential property. There is also potential for an adverse impact on the amenities on neighbouring properties from noise generated in a poorly insulated vehicle.

The owner of 24 Chapelfield and the occupants of the caravan were informed by letter on 22 February 2010 that the use of the caravan as a dwelling was unacceptable unauthorised development and to cease the use and remove it.

A mutually agreed deadline to remove the caravan has not been complied with. Following this they have since assured us on a number of occasions that the caravan will be removed, however to date the caravan is still in situ and occupied.

Therefore due to the problems the occupation of the caravan was causing in the neighbourhood and failed negotiations, it was felt prudent and expedient to take immediate delegated action to commence enforcement procedures.

An Enforcement Notice has been served, requiring the owners of 24 Chapelfield to cease the use of the land for the siting of a caravan used as an independent dwelling and remove any caravan from land not used for purposes ancillary to the enjoyment of the primary dwellinghouse.

Members are requested to endorse the delegated action.

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**Alternative Options**

Not Applicable

**Material Considerations:**

**Finance**

The recommendations in this report do not have any cost implications.

**Risk:**

<table>
<thead>
<tr>
<th>Risk</th>
<th>Consequence</th>
<th>Controls required</th>
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<tbody>
<tr>
<td>The failure to have an effective planning enforcement system.</td>
<td>Result in inappropriate forms of development which would have an adverse impact on the character and appearance of the District’s rural landscape.</td>
<td>To maintain sufficient resources in planning enforcement and prioritise and co-ordinate the investigation of breaches of planning control.</td>
</tr>
</tbody>
</table>

**Staffing**

The recommendations in this report do not have any staffing implications.

**Sustainability**

This report does not have any registered significant environmental effects.

**Links to Corporate Plan**

The control of development is a significant factor in achieving a “High Quality Environment” under Section 3.4 of the Corporate Plan.
Links to Strategic Plan
This report has no links to the Strategic Plan.

Equalities and Diversity
Not applicable

Community Safety
The recommendations in this report do not have any community safety implications.

Background Documents

<table>
<thead>
<tr>
<th>Document</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Various planning and enforcement files</td>
<td>Mark Balderson</td>
</tr>
<tr>
<td></td>
<td>Planning Enforcement Officer</td>
</tr>
</tbody>
</table>
**APPENDIX A**

**Committee:** Planning  
**Date of Meeting:** 29 April 2010  
**Report Title:** A report on enforcement activity from 25 January 2010 to 26 February 2010

<table>
<thead>
<tr>
<th>REF NO.</th>
<th>PARISH</th>
<th>SITE ADDRESS</th>
<th>BREACH/CONTRAVENTION</th>
<th>PROGRESS</th>
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</thead>
<tbody>
<tr>
<td>06/068</td>
<td>ALDINGHAM</td>
<td>Low Sunbrick Farm, Aldingham</td>
<td>Installation of uPVC windows in Listed Building</td>
<td>Members recently reconfirmed enforcement action. Advice being sought from Conservation Officer.</td>
</tr>
<tr>
<td>09/093</td>
<td>ALDINGHAM</td>
<td>Goadsbarrow Cottage, Goadsbarrow</td>
<td>Material Change of Use - residential to Yoga centre</td>
<td>Appeal decision (13/1/10). Notice has been upheld. Cease use as a yoga centre. Monitoring.</td>
</tr>
<tr>
<td>10/022</td>
<td>ALDINGHAM</td>
<td>Lime Kiln, Low Sunbrick lane, Baycliff</td>
<td>Erection of unauthorised agricultural building</td>
<td>Section 330 Notice served and returned. Retrospective Planning application has been received and validated.</td>
</tr>
<tr>
<td>09/269</td>
<td>ARNSIDE</td>
<td>Far Hollins Farm, Arnside</td>
<td>Change of Use to campsite</td>
<td>Enforcement Notice served 20/11/09 effective 4/1/10 compliance date 4/2/10. An appeal against the Notice has been received. Public Inquiry.</td>
</tr>
<tr>
<td>09/029</td>
<td>BEETHAM</td>
<td>Land at Ellers Farm, Farleton</td>
<td>Erection of floodlighting to horse exercise area</td>
<td>Appeal to Planning Inspectorate has been upheld to retain flood lights. Subject to condition restricting hours of use. Not to be used outside the hours of 08:00 to 20:00 Monitoring.</td>
</tr>
<tr>
<td>05/060</td>
<td>GRANGE OVER SANDS</td>
<td>Blawith Lodge, Windermere Road, Grange over Sands</td>
<td>Replacement windows</td>
<td>An application for the retention of the windows subject to alterations to the frames and painting has been received and approved.</td>
</tr>
<tr>
<td>REF NO.</td>
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<tr>
<td>06/232</td>
<td>GRANGE OVER SANDS</td>
<td>Underwood, Fernhill Road, Grange over Sands</td>
<td>Erection of large decking structure</td>
<td>Enforcement Notice drafted, with legal services for formal service. The owner has called to say the decking has been removed. Site visit confirms the deck part has been removed but not the sub-structure.</td>
</tr>
<tr>
<td>07/283</td>
<td>GRANGE OVER SANDS</td>
<td>2 Methven Terrace, Grange over Sands</td>
<td>Extension not built as per plan and breach of conditions</td>
<td>Enforcement Notice at draft stage. The owner's agent has confirmed that they intend to remove the additional extension and submit a planning application for other alterations.</td>
</tr>
<tr>
<td>05/232</td>
<td>HELSINGTON</td>
<td>Low Chambers Tenement, Brigsteer</td>
<td>Siting of static caravan</td>
<td>Owners have removed a considerable amount of scrap but a static caravan; shipping container and scrap cattle truck remain. Sc 330 served and returned, drafting Enforcement Notice.</td>
</tr>
<tr>
<td>07/156</td>
<td>KENDAL</td>
<td>Bridge View, Burton Road, Kendal</td>
<td>Creation of extra dwelling unit</td>
<td>Appeal to Planning Application has been dismissed. Second dwelling not currently used. Monitoring.</td>
</tr>
<tr>
<td>08/134</td>
<td>KENDAL</td>
<td>57 Burton Road, Kendal</td>
<td>Unauthorised development - construction of 3 metre wall adjacent highway</td>
<td>Planning Permission refused. Enforcement Notice not complied with. Appeal to planning decision dismissed, pursuing compliance with Enforcement Notice to reduce wall.</td>
</tr>
<tr>
<td>08/144</td>
<td>KENDAL</td>
<td>Beech Hill Hotel, 40 Greenside, Kendal</td>
<td>Unauthorised uPVC windows in Conservation Area</td>
<td>Enforcement Notice served. Compliance under negotiation. An extension of 12 months to the Notice compliance period has been granted until 3 August 2010.</td>
</tr>
<tr>
<td>REF NO.</td>
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<tr>
<td>08/210</td>
<td>KENDAL</td>
<td>Cash in a Dash, 177 Highgate, Kendal</td>
<td>Advertisement harmful to Conservation Area</td>
<td>Appeal now lodged to Discontinuance Notice. Awaiting Inspector’s decision.</td>
</tr>
<tr>
<td>09/293</td>
<td>KENDAL</td>
<td>26 Sedbergh Drive, Kendal</td>
<td>Erection of fence adjacent highway over 2 meter</td>
<td>Section 330 Notice served and returned. Received Planning Application to retain the height and set back from the highway.</td>
</tr>
<tr>
<td>10/045</td>
<td>KENDAL</td>
<td>Netherfield Cricket Club, Park Road, Kendal</td>
<td>Unauthorised Development. Change of colour of roof on new building.</td>
<td>Section 330 Notice served and returned.</td>
</tr>
<tr>
<td>06/329</td>
<td>KIRKBY IRELETH</td>
<td>Land adjacent Bell Hall Farm, Head Cragg, Kirkby in Furness</td>
<td>Storage of agricultural machinery and vehicles within field.</td>
<td>Monitoring conditions with regards to storage and landscaping.</td>
</tr>
<tr>
<td>09/232</td>
<td>LEVENS</td>
<td>The Beeches, A591, Levens</td>
<td>Material changes of use, dividing of one dwelling to two.</td>
<td>Enforcement Notice served 29/1/10, compliance date 12/9/10.</td>
</tr>
<tr>
<td>07/025</td>
<td>LOWER ALLITHWAITE</td>
<td>Priory Close, Cartmel</td>
<td>Internal alteration to Listed Building.</td>
<td>No progress; owners not in contact with department. Property has been referred to Empty Homes Officer.</td>
</tr>
<tr>
<td>REF NO.</td>
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<tr>
<td>09/211</td>
<td>MILNTHORPE</td>
<td>Land to rear of 23 Church Street, Milnthorpe</td>
<td>Material change of use. Creation of access route.</td>
<td>Enforcement Notice served 20/11/09 Effective 4/1/10. Compliance 4/4/10. An appeal against the Enforcement Notice has been received.</td>
</tr>
<tr>
<td>04/263</td>
<td>PENNINGTON</td>
<td>Whinfield works, Whinfield Ground, Lindal in Furness</td>
<td>Use of site for the storing of scrap cars.</td>
<td>Discussions ongoing with owners to find a solution. Planning Officer invited application. The user of the site has indicated that he intends to cease his operation of insurance right-off salvage and submit an application for vehicle repair within the building.</td>
</tr>
<tr>
<td>09/344</td>
<td>PRESTON PATRICK</td>
<td>Moss End Farm, Crooklands</td>
<td>Siting of unauthorised residential caravan in agricultural field.</td>
<td>Section 330 Notice served.</td>
</tr>
<tr>
<td>08/090</td>
<td>URSWICK</td>
<td>Beckside Holdings, between Scales and Stainton</td>
<td>Unauthorised use of agricultural land.</td>
<td>Agent now retained to submit application to regularise situation.</td>
</tr>
</tbody>
</table>
SOUTH LAKELAND DISTRICT COUNCIL

Planning Committee

Date of Meeting: 29 April 2010

Part I

Report From: Corporate Director (Communities)
Report Author: Lorayne Woodend / Simon Lloyds Development Plans Team

Report Title: Residential Monitoring for the period 1 April 2009 to 31 March 2010 (4th Quarter and Final Report)

Summary
The purpose of this report is to present the situation at 31 March 2010 with regards to residential permissions and completions within the monitoring period 1/04/09–31/03/10, in comparison with the North West Regional Spatial Strategy (RSS) requirement.

Recommendation
It is recommended that Members note the content of the Report.

Report
1. This is the fourth and final report within the monitoring period 1/04/09–31/03/10. Appendix 1 provides detailed monitoring figures for this period. This report monitors housing completions against the requirements of the North West Regional Spatial Strategy (RSS), which was published on 30 September 2008.

2. The report includes information on residential permissions as this gives an early indication of progress towards and likelihood of meeting completions targets in coming years. However, it must be noted that there is no longer an official target for the number of permissions required.

3. Underperformance against the RSS target of 400 units per annum during the years 2003 to 2009 means that there is a requirement to make up the deficit in ensuing years. The annual target 2009/2010 is therefore amended to 468 to reflect this. The current low rate of completions reflects both current market conditions and the limited supply of housing land, which is likely to persist until adequate long-term provision is made in the forthcoming Allocations DPD of the Local Development Framework.

4. The proposed submission Core Strategy was published on 27 August 2009 for public consultation and underwent an examination in public during March 2010. The document proposes a series of requirements towards affordable and local occupancy based on a settlement hierarchy, which are less onerous that those required by IPATH. Given that the policies within the Core Strategy are based on more up to date evidence than IPATH (Strategic Housing Market Assessment, NPS viability study etc) it is recommended that the proposed submission Core Strategy replaces IPATH as the main “non statutory” development plan guidance used in determining planning applications. The implementation of a more relaxed approach is also justified in the context of needing to continue to demonstrate that the
Council is introducing appropriate measures to improve housing land supply, as required by PPS3.

5. This report provides information for the position year to date at the end of the fourth and final quarter (January to March) of the monitoring period 1 April 2009 to 31 March 2010. The next report will provide information for year to date position at the end of the first quarter (April to June) of the 1 April 2010 – 31 March 2011 monitoring period and will be brought to Planning Committee on 29 July 2010. Appendix 1 sets out a more detailed analysis of residential monitoring information including completions.

Alternative Options
If residential monitoring is not undertaken then the Council will not be able to provide information required in relation to National and Local Performance Indicators and will not be able to manage the housing supply in a sustainable manner.

Material Considerations
Not applicable

Finance
Not applicable

Risk

<table>
<thead>
<tr>
<th>Risk</th>
<th>Consequence</th>
<th>Controls required</th>
</tr>
</thead>
<tbody>
<tr>
<td>The risk associated with residential monitoring relates to the accuracy of the data presented.</td>
<td>Data gained from residential monitoring is used to assess the implementation and effectiveness of planning policy and inform decisions to review policy. Monitoring information is also used to justify and if necessary defend decisions in relation to planning applications. Accuracy is therefore important as information can be challenged at examinations and public inquiries.</td>
<td>Permissions and completions data is thoroughly crosschecked to ensure that residential monitoring is as accurate as possible and continuing improvements are being made to the monitoring system.</td>
</tr>
</tbody>
</table>

Staffing
Officer time to collate information needed to produce this report.

Sustainability
This report relates to the following potential significant environmental effects: -

- The development of land in the District
- The development of sustainable communities

Links to Corporate Plan
The delivery of housing contributes to the delivery of Corporate Plan Priority Objective 2.1 and Local (BV106), L69, NI154, NI159.
Links to other Strategic Plan

- South Lakeland Sustainable Community Strategy
- Cumbria Housing Strategy
- Regional Spatial Strategy

Equalities and Diversity - Not applicable

Community Safety - Not applicable

Background Documents


- North West Regional Spatial Strategy, 30 September 2008
- Proposed Submission Core Strategy (August 2009).

Contact: Alastair McNeill

Senior Development Plans Officer
Appendix 1

Committee: Planning Committee
Date of Meeting: 29 April 2010
Report Title: Residential Monitoring for the period 1 April 2009 to 31 March 2010 (4th Quarter Report)

Monitoring Period 1/04/09 - 31/03/10

This is the fourth quarterly residential monitoring report to be presented to the Planning Committee within this monitoring period. This report covers permissions and completions for the period 1 April 2009 to 31 March 2010 (Four quarters).

1. Overall Progress Towards RSS Targets within the 1 April 2009 to 31 March 2010 period

<table>
<thead>
<tr>
<th>Annual Completions Target (Net Dwelling Units)</th>
<th>Total Dwelling Completions in the period 1 April to 31 March (12 months)</th>
<th>Shortfall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Requirement 2003-2025 : 8800</td>
<td>282 (Average of 23.5 per month)</td>
<td></td>
</tr>
<tr>
<td>Completions 2003 – 2009: 1305</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Target: 2009 to 2025: 7495</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annual Target: 468 (Average of 39 per month)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. Completions Data

Residential Completions¹ (Net) 1/04/09-31/03/10:

<table>
<thead>
<tr>
<th></th>
<th>Q1 Total</th>
<th>Q2 Total</th>
<th>Q3 Total</th>
<th>Q4 Total</th>
<th>2009-2010 Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Apr/May</td>
<td>Jul/Aug</td>
<td>Sep</td>
<td>Oct/Nov</td>
<td>Dec</td>
</tr>
<tr>
<td>PSC / KSC</td>
<td>Brownfield</td>
<td>13/11/13</td>
<td>37/54/8</td>
<td>27/89/11</td>
<td>43/5/59</td>
</tr>
<tr>
<td></td>
<td>Greenfield</td>
<td>0/0/0</td>
<td>0/0/0</td>
<td>8/8</td>
<td>0/0/0</td>
</tr>
<tr>
<td>LSC</td>
<td>Brownfield</td>
<td>2/1/2</td>
<td>5/0/0</td>
<td>3/3</td>
<td>0/1/3</td>
</tr>
<tr>
<td></td>
<td>Greenfield</td>
<td>2/1/2</td>
<td>13/1</td>
<td>2/3</td>
<td>6/1/5</td>
</tr>
<tr>
<td>Other</td>
<td>Brownfield</td>
<td>0/0/3</td>
<td>3/0/0</td>
<td>3/3</td>
<td>0/0/0</td>
</tr>
<tr>
<td></td>
<td>Greenfield</td>
<td>0/3/0</td>
<td>3/0/0</td>
<td>2/2</td>
<td>0/0/2</td>
</tr>
<tr>
<td>District</td>
<td>Brownfield</td>
<td>15/12/18</td>
<td>45/54/11</td>
<td>30/95/11</td>
<td>44/7</td>
</tr>
<tr>
<td></td>
<td>Greenfield</td>
<td>2/12/2</td>
<td>16/1</td>
<td>1/13</td>
<td>6/3/2</td>
</tr>
<tr>
<td>TOTALS</td>
<td>61</td>
<td>111</td>
<td>69</td>
<td>41</td>
<td>282</td>
</tr>
</tbody>
</table>

¹ Residential completions are inclusive of Affordable completions.
Affordable Completions\(^2\) 1/04/09-31/03/10:

<table>
<thead>
<tr>
<th>Settlement</th>
<th>Q1 Total</th>
<th>Q2 Total</th>
<th>Q3 Total</th>
<th>Q4 Total</th>
<th>2009-2010 Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Apr May</td>
<td>Jun</td>
<td>Jul</td>
<td>Aug Sep</td>
<td>Oct Nov Dec</td>
</tr>
<tr>
<td>PSC / KSC Brownfield</td>
<td>8 8 0 16</td>
<td>37</td>
<td>12</td>
<td>49 0 40</td>
<td>1 41</td>
</tr>
<tr>
<td>Greenfield</td>
<td>0 0 0 0 0</td>
<td>0 0 7 7</td>
<td>0 0 0 0</td>
<td>0 0 0 0</td>
<td>0 0 0 0</td>
</tr>
<tr>
<td>LSC Brownfield</td>
<td>1 0 0 1 0</td>
<td>0 0 0</td>
<td>0 0 0 0</td>
<td>0 0 0 0</td>
<td>0 0 0 0</td>
</tr>
<tr>
<td>Greenfield</td>
<td>0 9 1 10</td>
<td>0 1 0</td>
<td>1 1 0 0</td>
<td>1 0 0 2</td>
<td>2 14</td>
</tr>
<tr>
<td>Other Brownfield</td>
<td>0 0 0 0</td>
<td>0 0 0</td>
<td>0 0 0 0</td>
<td>0 0 0 0</td>
<td>0 0 0 0</td>
</tr>
<tr>
<td>LSC Greenfield</td>
<td>0 0 0 0</td>
<td>0 0 0</td>
<td>0 0 0 0</td>
<td>0 0 0 0</td>
<td>0 0 0 0</td>
</tr>
<tr>
<td>District Brownfield</td>
<td>9 8 0 17</td>
<td>37 12</td>
<td>49 0 40</td>
<td>1 41</td>
<td>0 0 0 0</td>
</tr>
<tr>
<td>Greenfield</td>
<td>0 9 1 10</td>
<td>0 1 7</td>
<td>8 1 0 0</td>
<td>0 0 0 2</td>
<td>2 21</td>
</tr>
<tr>
<td>TOTALS</td>
<td>27 57 42</td>
<td></td>
<td></td>
<td></td>
<td>2 128</td>
</tr>
</tbody>
</table>

PSC / KSC = Principal / Key Service Centre (Kendal, Ulverston, Grange, Milnthorpe, Kirkby Lonsdale)

LSC = Local Service centres

Other = All other settlements and rural areas

**Analysis of residential completions by settlement as of 31 March 2010 within the 1 April 2009 to 31 March 2010 monitoring period**

<table>
<thead>
<tr>
<th>Settlement</th>
<th>No. of Units Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Gross</td>
</tr>
<tr>
<td>PSC Kendal</td>
<td>173</td>
</tr>
<tr>
<td>PSC Ulverston</td>
<td>26</td>
</tr>
<tr>
<td>KSC Grange</td>
<td>8</td>
</tr>
<tr>
<td>KSC Kirkby Lonsdale</td>
<td>12</td>
</tr>
<tr>
<td>KSC Milnthorpe</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>223</td>
</tr>
</tbody>
</table>

| LSC                  | 46 | 45 | 14 | 31 | 15 | 17 |
| Other                | 25 | 22 | 12 | 10 | 0 | 2 |

| South Lakeland       | District Total | 394 | 282 | 232 | 50 | 128 | 142 |

---

\(^2\) Local Occupancy figures are inclusive of Affordable figures
3. Permissions Data

It remains important to monitor permissions data as this gives an early indication of progress towards and likelihood of meeting completions targets in coming years. It is estimated that around 20% of residential developments permitted do not get built so in order to meet the revised annual target of 468 completions per year the Council should be aiming to achieve 561 residential permissions annually, equating to an average of 47 permissions per month. Currently, monthly permissions are falling significantly short of this target. It should also be noted that the number of completions required in any one year will go up or down depending on shortfalls or oversupply in previous years.

Net Permissions by Month as of 31st March 2010 within the 1 April 2009 to 31 March 2010 monitoring period

<table>
<thead>
<tr>
<th>Month</th>
<th>A</th>
<th>M</th>
<th>J</th>
<th>J</th>
<th>A</th>
<th>S</th>
<th>O</th>
<th>N</th>
<th>D</th>
<th>J</th>
<th>F</th>
<th>M</th>
<th>Total to date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Units Permitted</td>
<td>6</td>
<td>24</td>
<td>6</td>
<td>9</td>
<td>10</td>
<td>15</td>
<td>49</td>
<td>38</td>
<td>16</td>
<td>5</td>
<td>11</td>
<td>1</td>
<td>190</td>
</tr>
</tbody>
</table>

Analysis of residential permissions by settlement as of 31 March 2010 within the 1 April 2009 to 31 March 2010 monitoring period

<table>
<thead>
<tr>
<th>Area</th>
<th>Settlement</th>
<th>No. of Units Permitted</th>
<th>Gross</th>
<th>Total</th>
<th>Net Brown</th>
<th>Net Green</th>
<th>Affordable</th>
<th>Local Occupancy³ (net)</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSC</td>
<td>Kendal</td>
<td>99</td>
<td>97</td>
<td>89</td>
<td>8</td>
<td>41</td>
<td>43</td>
<td></td>
</tr>
<tr>
<td>PSC</td>
<td>Ulverston</td>
<td>24</td>
<td>24</td>
<td>24</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>KSC</td>
<td>Grange</td>
<td>13</td>
<td>12</td>
<td>10</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>KSC</td>
<td>Kirkby Lonsdale</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>KSC</td>
<td>Milnthorpe</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>-1</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>139</td>
<td>134</td>
<td>124</td>
<td>10</td>
<td>44</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td>LSC</td>
<td></td>
<td>15</td>
<td>13</td>
<td>9</td>
<td>4</td>
<td>0</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>45</td>
<td>43</td>
<td>15</td>
<td>28</td>
<td>7</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>South Lakeland</td>
<td>District Total</td>
<td>199</td>
<td>190</td>
<td>148</td>
<td>42</td>
<td>51</td>
<td>68</td>
<td></td>
</tr>
</tbody>
</table>

³ Local Occupancy figures are inclusive of Affordable figures
Local Occupancy

6.

148 dwellings were completed in the district between 1/4/09 and 31/03/10 which were subject to Local Occupancy conditions.

- Nine units were completed in April 2009 at New Inn Yard, Highgate, Kendal (8) and Winder Lane, Flookburgh (1).
- Seventeen units were completed in May 2009 at New Inn Yard, Highgate, Kendal (8) and Winder Lane, Flookburgh (9).
- Six units were completed in June 2009 in Milnthorpe (2), Kendal (2), Natland and Holme.
- Thirty eight (38) units were completed in July 2009 at Rydal Road (37) and Lowther Street, Kendal (1).
- Six (6) units was completed in August 2009 at Pear Tree Park, Holme (1), Holme Park School, New Hutton (1), Corn Mill Barn, Egton with Newland (1), Gillinggate (1) and Collin Croft, Kendal (2).
- Nineteen (19) units were completed in September 2009 at Beezon Road, Kendal (12) and Fairbank, Kirkby Lonsdale (7).
- One (1) unit was completed in October 2009 at Pear Tree Park, Holme.
- Forty-one (41) units were completed in November 2009 at Lound Street, Kendal (40) and Windy Nook, Cartmel (1).
- One (1) unit was completed in December 2009 at Hallgarth Circle, Kendal.
- Four (4) units were completed in March 2010 at Kents Bank Road, Grange (2) and Pear Tree Park, Holme (2).

89 dwellings were permitted in the district between 1/4/09 and 31/03/10 which are subject to Local Occupancy conditions but the condition was removed from a further 21 giving a net figure of 68.

- Six units were permitted in April 2009 in Kendal (3), Levens, Natland and Cartmel.
- Ten units were permitted in May 2009 in Baycliff (7), Kendal, Burton and Cark.
- Three units were permitted in June 2009 in Kendal (2) and Grange.
- Six units were permitted in July 2009 in Kendal (5) and Arnside.
- Two units were permitted in August 2009 in Preston Patrick and Carr Bank BUT the local occupancy condition was removed from 3 dwellings in Kendal.
- Ten units were permitted in September 2009 in Kendal (5), Natland, Middleton, Mansergh, Selside and Lupton BUT the local occupancy condition was removed from 1 dwelling in Kendal.
- Thirty-Five units were permitted in October 2009 in Kendal BUT the local occupancy condition was removed from 2 dwellings in Kendal and 1 in Grange.

---

4 Local Occupancy figures are inclusive of Affordable figures
• Nine units were permitted in November 2009 to be provided at Kendal (1), Grange (3), Beetham (2), Casterton (1), Middleton (1) and Newlands (1).

• One unit was permitted in December 2009 in Stainton.

• Three units were permitted in January 2010 at Storth, Selside and Whinfell BUT the local occupancy condition was removed from 1 dwelling in Kendal, 1 in Barrows Green and 6 in New Hutton.

• Four units were permitted in February 2010 at Killington, Cartmel and Natland (2) BUT the local occupancy condition was removed from 1 dwelling in Casterton.

• No units were permitted in March 2010 BUT the local occupancy condition was removed from 2 dwellings in Kendal, 1 in Grange, 1 in Milnthorpe and 1 in Natland.
Summary
To provide Members with information about the receipt and determination of planning appeals.

- Appendix A – New appeals and appeal decisions between 13 March and 19 April 2010.
- Appendix B – Current appeals still outstanding.
- Appendix C – Appeals determined during 2010.

Recommendations
That Members note this report.

Report
See attached Appendices A, B and C.

Alternative Options
Not applicable.

Material Considerations:
Finance
The recommendations in this report do not have any staffing implications.

Risk
There are no identified risks raised by this report.

Staffing
The recommendations in this report do not have any staffing implications.

Sustainability
This report does not have any registered significant environmental effects.

Links to Corporate Plan
This report links to the aim of providing a “High Quality Environment” under Section 3.4 of the Corporate Plan.

Links to other Strategic Plan
This report has no links to the Strategic Plan.
**Equalities and Diversity**

The Draft Statement of Community Involvement takes account of the equalities issues in seeking to define South Lakeland’s community and interests relevant to the Local Development Framework which will influence the determination of individual planning applications.

**Community Safety**

The recommendations in this report do not have any community safety implications.

**Background Documents**

**Document:** Various planning files  
**Contact:** Lawrence Conway  
Corporate Director (Communities)
Further Analysis

Brownfield/Greenfield

4.
Of the 282 units (net) completed during the current monitoring period, 232 units (83%) are on brownfield land compared to the RSS target for the Lakes and Morecambe Bay area of at least 50% and the national target of 60%.

Of the 190 units (net) granted permission during the current monitoring period, 148 units (77.9%) are on brownfield land, compared to the RSS target for the Lakes and Morecambe Bay area of at least 50% and the national target of 60%.

Affordable Housing

5.
134 affordable dwellings were completed in the district between 1/04/09 and 31/03/10.

• Nine affordable units were completed in April 2009 at New Inn Yard, Highgate, Kendal (8) and Winder Lane, Flookburgh (1).

• Seventeen affordable units were completed in May 2009 at New Inn Yard, Highgate, Kendal (8) and Winder Lane, Flookburgh (9).

• One affordable unit was completed in June 2009 at Pear Tree Park, Holme.

• Thirty seven (37) units were completed in July 2009 at Rydal Road, Kendal.

• One affordable unit was completed in August 2009 at Pear Tree Park, Holme.

• Nineteen (19) units were completed in September 2009 at Beezon Road, Kendal (12) and Fairbank, Kirkby Lonsdale (7)

• One (1) unit was completed in October 2009 at Pear Tree Park, Holme.

• Forty (40) units were completed in November 2009 at Lound Street, Kendal.

• One (1) unit was completed in December 2009 at Hallgarth Circle, Kendal.

• Two (2) units were completed in March 2010 at Pear Tree Park, Holme.

51 affordable dwellings were permitted in the district between 1/04/09 and 31/03/10.

• Seven affordable units were permitted in May 2009 (SL/2008/0852) to be provided at Baycliff Farm, Baycliff.

• Five affordable units were permitted in July 2009 (SL/2008/0263) to be provided at land off Whinfell Drive, Kendal.

• Thirty-five affordable units were permitted in October 2009 (SL/2009/0592) to be provided at Former Stokers Garage, Kirkland, Kendal.

• Four affordable units were permitted in November 2009 to be provided at Gillinggrove, Kendal (SL/2008/0348) (1), Priory lane, Grange (SL/2009/0819) (2) and in conjunction with former Kents Bank Hotel, Grange (SL/2009/0118) (1).
Committee: Planning  
Date of Meeting: 29 April 2010  
Report Title: Appeals update at 19 April 2010

NEW APPEALS AND APPEAL DECISIONS BETWEEN 13 March – 19 April

<table>
<thead>
<tr>
<th>NUMBER</th>
<th>LOCATION</th>
<th>PROPOSAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SL/2010/0011</td>
<td>Land to rear of 23 and adjacent to 17,19 and 21 Church Street, Milnthorpe</td>
<td>Appeal against enforcement notice re change of use of domestic garden to access route</td>
</tr>
<tr>
<td>Enforcement:</td>
<td>Enforcement Notice</td>
<td>Inspector varied the Notice</td>
</tr>
</tbody>
</table>
Committee: Planning  
Date of Meeting: 29 April 2010  
Report Title: Appeals update 19 April 2010

CURRENT APPEALS STILL OUTSTANDING

<table>
<thead>
<tr>
<th>Planning Reference</th>
<th>Site</th>
<th>Description</th>
<th>Appellant</th>
<th>Local Planning Authority decision and date</th>
<th>Planning Inspectorate Reference</th>
<th>Type of Appeal</th>
<th>Appeal start date</th>
</tr>
</thead>
<tbody>
<tr>
<td>SL/2009/0558</td>
<td>ARNSIDE: Middlebarrow Plain Cove Road Silverdale Carnforth</td>
<td>Siting of 10 timber clad twin unit caravans with associated access and private sewage plant</td>
<td>Holgates Caravan Parks</td>
<td>Refused 28/8/09 - Committee: 27/08/09</td>
<td>APP/M0933/A/10/2122806/WF (Written Representation)</td>
<td>Officer Recommendation: Refuse</td>
<td>19/02/10</td>
</tr>
<tr>
<td>SL/2009/0675</td>
<td>GRANGE over SANDS: Site at Methodist Church Station Road Cark in Cartmel</td>
<td>Removal of Condition 3 (local occupancy) from Planning Permission SL/2009/0137</td>
<td>Mr Cephas Vasquez-Howard</td>
<td>Refused 24/9/09 - Committee: (24/09/09)</td>
<td>APP/M0933/A/09/2118756/WF</td>
<td>Officer Recommendation: Refuse</td>
<td>21/12/09</td>
</tr>
<tr>
<td>SL/2009/0681</td>
<td>SKELSMERGH: Holme House Farm</td>
<td>Enforcement appeal re: Enforcement Notice issued re: change of use of land to a mixed use; commercial business, tipping of waste, conversion of farmhouse to two dwellings, siting of residential caravans/chalet-cabins, erection of agricultural buildings and erection and siting of storage units</td>
<td>Edward Steele</td>
<td>Enforcement</td>
<td>APP/M0933/C/09/2108315 (Public Inquiry - 9 – 11 June 2010)</td>
<td>21/07/09</td>
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<td>SL/2009/0722</td>
<td>KENDAL: 30 Whinfell Drive Kendal</td>
<td>Erection of two self contained flats</td>
<td>Mr &amp; Mrs Ivan &amp; Joanna Gudgeon</td>
<td>Refused 19/10/09 Delegated</td>
<td>APP/M0933/A/10/2121932/NWF (Written Representation)</td>
<td>12/02/10</td>
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<td>SL/2009/0831</td>
<td>BEETHAM: Grounds of Barcaldine Leighton Drive Slack Head Milnthorpe</td>
<td>Dwelling</td>
<td>Mr &amp; Mrs Stephen Wright</td>
<td>Refused 3/2/10 Delegated</td>
<td>APP/M0933/A/10/2122277/WF (Written Representation)</td>
<td>11/02/10</td>
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<td>SL/2008/0905</td>
<td>KENDAL: Rear of 14 &amp; 16 Lound Road Kendal</td>
<td>Erection of two dwellings</td>
<td>Rekha Shanker</td>
<td>Refused 12/6/09 - Committee: 11/6/09 Officer Recommendation: Refuse</td>
<td>APP/M0933/A/09/2118705/WF (Written Representation)</td>
<td>16/12/09</td>
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<td>SL/2009/1034</td>
<td>GRANGE over SANDS: KB’s Bar and Restaurant 76 Kentsford Road Grange over Sands</td>
<td>Change of use of Bar / Restaurant to 2 apartments</td>
<td>Kentsford Limited</td>
<td>Refused 28/1/10 - Committee: 28/1/10 Officer Recommendation: Refuse</td>
<td>APP/M0933/A/10/2123013/NWF (Written Representation)</td>
<td>24/2/10</td>
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<td>SL/2009/1049</td>
<td>KENDAL: 177 Highgate Kendal</td>
<td>Appeal against Discontinuance Notice</td>
<td>Mr Zubeir Mister</td>
<td>Enforcement</td>
<td>APP/M0933/H/09/2112641</td>
<td>20/11/09</td>
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### APPENDIX C

**Committee:** Planning  
**Date of Meeting:** 29 April 2010  
**Report Title:** Appeals update at 19 April 2010

#### APPEALS DETERMINED DURING 2010

<table>
<thead>
<tr>
<th>Planning Reference Start date</th>
<th>Index Appeal No.</th>
<th>Planning Inspectorate Reference</th>
<th>Site</th>
<th>Description</th>
<th>Officers Recommendation (Decision made by Committee or under Delegated Powers)</th>
<th>Decision of Planning Inspectorate</th>
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Officer Recommendation: Refuse | ALLOWED CONDITIONALLY  
11 January 2010 |
| SL/2009/0684                 | 10/02            | APP/M0933/C/09/2109463 (Written Representation) | ALDINGHAM: Goadsbarrow Farm Cottage Meadow View Goadsbarrow | Appeal against Enforcement Notice served re: the use of the dwelling as a yoga and meditation centre | Enforcement | DISMISSED  
13 January 2010 |
<table>
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<tr>
<th>Ref.</th>
<th>Date</th>
<th>Application No</th>
<th>Location</th>
<th>Description</th>
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<td>SL/2009/0637</td>
<td>1/12/09</td>
<td>10/07</td>
<td>App/M0933/A/09/2117555/WF</td>
<td>Written Representation</td>
<td>Change of Use from Class A1 (Retail) to Class A3 (Restaurant and Cafes)</td>
<td>Refused 28/9/09 Delegated</td>
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<td>SL/2010/0011</td>
<td>10/10</td>
<td>APP/M0933/C/09/2119636</td>
<td>MILNTHORPE:</td>
<td>Land to rear of and adjacent to 23 Church Street Milnthorpe</td>
<td>Appeal against Enforcement Notice (Change of Use of domestic garden to access route)</td>
<td>Enforcement</td>
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