

UPDATE

Committee Date: 26 August 2021

Planning application no. SL/2020/0783

Land off Brigsteer Road, KENDAL

1.0 Introduction

- 1.1. At the meeting of the Planning Committee on July 29 2021 Members' consideration of the merits of this planning application included a discussion of the fact that since the allocation of the Stainbank Green site for residential development in 2013 the Lake District National Park had been: (1) extended in 2015; and (2) designated a World Heritage Site in 2017. These issues were addressed in officers' responses to questions. However, in light of a question raised regarding the Lake District National Park Authority's response to this application and given the significance of these considerations it has been decided summarise the position in a written update. The original officers' report, plus the update tabled at 29 July meeting, are contained in Appendices A and B respectively.
- 1.2. The recommendation contained in the report from 29 July 2021 remains. Having regard to the further comments in this update, Members are asked to reaffirm their resolution from 29 July 2021 in accordance with: (1) the recommendation in section 7.0 of the original officers' report (Appendix A); plus (2) the modifications to conditions 2 and 13 set out in the update tabled on 29 July 2021 (Appendix B).
- 1.3. Furthermore, Members are asked to grant the Director of Customer and Commercial Services delegated authority to secure the provision of adoptable highway links (previously reported on at section 7.1(b)(vi) of the original officer report at Appendix A) by S106 agreement and/or by use of planning condition the details of which are delegated to the Director.

2.0 Extension to the Lake District National Park boundary

- 2.1. On 01 August 2016 the Lake District National Park grew in area by 3 per cent – adding an extra 27 square miles. This included a southern extension from Helsington Barrows to Sizergh Fell, an area north of Sizergh Castle and part of the Lyth valley including the small new addition of land north of Sizergh Castle.
- 2.2. In the area closest to the site the previous boundary followed the Helsington/Underbarrow parish boundary across the former racecourse. This did not relate to anything on the ground. The effect of the change in this area was to extend the boundary by a short distance to a logical line following Brigsteer Road west of the A591.

3.0 World Heritage Site

- 3.1. In July 2017 the Lake District National Park was designated a UNESCO World Heritage Site (WHS), inscribed as a cultural landscape. As a World Heritage Site the Lake District National Park assumes the additional status of a heritage asset for the purposes of applying policies in the NPPF, meaning that any impact upon its significance, including any contribution made by its setting, needs to be weighed in the planning balance. For the purposes of making this assessment the significance of the World Heritage Site stems from the fact that: (1) the spectacular landscape of the Lake District has been shaped by farming, industry, picturesque landscape design and the conservation movement; and (2) it has stimulated poets and artists of the romantic movement from the late 18th century and conservationists from the 19th century.
- 3.2. The World Heritage Site designation applies to the pre-2016 boundary of the National Park.

4.0 Discussion

- 4.1. Considering the impact of these changes on the District's land allocations the Council's Strategy Lead Specialist comments as follows:

“The landscape impacts of the allocation on the National Park were fully assessed through the Local Plan Land Allocations process in 2011-2013 and the Development Brief process in 2014-2015. The Lake District National Park were consulted on both and raised no objection in terms of the landscape impacts on the Park. In my view, the rigour of the land allocations process was such that neither

- the conferring of World Heritage Site status on the National Park on the basis of its former boundary,
- nor the adjustment of the national park boundary to include the small area between the former boundary and Brigsteer Road on the opposite side from the site of the A591 dual carriageway

represent changes of circumstance which would bring the appropriateness of the site as a housing allocation into question.”

- 4.2. It is also significant to note that the various land allocations in close proximity to the National Park boundary were already part of the adopted development plan when the decisions were made to extend the Park boundary and confer World Heritage Site status.
- 4.3. The Landscape and Visual Impact Assessment (LVIA) submitted by the applicant in support of this application explicitly acknowledges: (1) the boundaries of the National Park boundary as extended in 2016; and (2) the status of the National Park as a World Heritage Site. The formal assessment in the LVIA proceeds from that baseline.
- 4.4. Officers have considered the impact of the proposals on the setting of the National Park as a designated landscape and as a World Heritage Site. The former is a long-established requirement of the adopted development plan; it is explicit in Core Strategy policy CS8.2 and DMDPD policy DM1. More recently, as reported in the update tabled at the Committee on 29 July 2021, paragraph 176 of the NPPF has been amended to state that “development within [the setting of National Parks] should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”
- 4.5. The preamble to DMPDP policy DM1 also acknowledges the Lake District National Park’s status as a World Heritage Site, and highlights the role of the surrounding landscape in providing a setting for this heritage asset. And paragraph 195 of the NPPF is clear that:

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

- 4.6. In the context of these policies and guidance, and having considered the assessment in the applicant’s LVIA, it is officers’ conclusion that the impact of the development is acceptable. The very limited intervisibility between the application site and the National Park is explicit in the original officers’ report. It is emphasized again in the update tabled at the Committee on 29 July 2021 – and was a matter Members were specifically asked to note as they conducted their site visit on 28

June 2021. It is officers' opinion that this limited intervisibility results in the proposed development: (1) having no adverse impact on the setting of the National Park; and (2) causing no harm to the significance of the World Heritage Site through any impact on its setting.

5.0 View of the Lake District National Park Authority

5.1. The Lake District National Park Authority has now commented on the application as follows:

The proposed development is not expected to have any material or adverse effects on the Lake District National Park or its setting. This is substantially due to the intervening trees and vegetation and while this is likely to screen and soften the effects of the development in particular during summer, I note that little additional planting is proposed to the boundaries of the site.

6.0 S106 update

The Council is continuing to negotiate the terms of the S106 agreement with the developer and meetings are scheduled to take place before the Committee meeting. Officers advise that while our position remains that a S106 is required to secure the highway points, flexibility is delegated to the Director of Customers and Commercial Services to impose a condition precedent should this be required.

6.0 Recommendation

- 6.1. Having regard to the further comments in this update, Members are asked to reaffirm their resolution from 29 July 2021 in accordance with: (1) the recommendation in section 7.0 of the original officers' report (Appendix A); plus (2) the modifications to conditions 2 and 13 set out in the update tabled on 29 July 2021 (Appendix B).
- 6.2. Furthermore, Members are asked to grant the Director of Customer and Commercial Services delegated authority to secure the provision of adoptable highway links (previously reported on at section 7.1(b)(vi) of the original officer report at Appendix A) by S106 agreement and/or by use of planning condition the details of which are delegated to the Director.