
Planning Application No. SL/2022/0083
Stephenson Centre, Ann Street,
KENDAL

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SL/2022/0083

Stephenson Centre, Ann Street, KENDAL, LA9 6AA



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Printed on: 2022-10-07 11:13:42 by josh.sheridan@SLDC

Summary

SL/2022/0083

PARISH: Kendal

ADDRESS: Stephenson Centre, Ann Street, KENDAL, LA9 6AA

PROPOSAL: Temporary pod to house 1 homeless individual in emergencies

APPLICANT: Manna House

GRID REFERENCE: E: 352026 N: 493109

COMMITTEE DATE: 27 October 2022

CASE OFFICER: Joshua Parkinson

Reason for Committee

The application is presented to Planning Committee as, given the recommendation of refusal, the views of Members are considered to be desirable or essential.

Recommendation

In summary, the proposed development is unacceptable in principle when having regard to the sequential approach to flood risk. There are also significant concerns that the proposed development would not be safe from flooding. Moreover, the proposed development would not constitute good design and would cause less than substantial harm to the character and appearance of the Kendal Conservation Area.

Taking account of the available evidence, officers consider that it could be appropriate to give the applicant an opportunity to demonstrate that they are capable of operating the proposed accommodation without having a significant adverse impact on the health and safety of the community. Furthermore, any harm from long-term occupation could be prevented by condition. However, these matters attract neutral weight.

Whilst the proposed development would contribute towards meeting the housing needs of homeless people, this social benefit is significantly diminished by the findings relating to flood risk. Therefore, the public benefits of the proposed development would not outweigh the harm to the Kendal Conservation Area. In turn, the proposed development conflicts with local and national heritage planning policies.

On this basis, the proposed development does not accord with the development plan taken as a whole and does not constitute sustainable development. Therefore, as there are no material considerations that outweigh this finding, it is recommended that planning permission be refused.

1.0 Site Description and Proposal

Site Description

- 1.1. The application site relates to a small area of land associated with a large building known as Stephenson Centre, located off Ann Street, Kendal. The site comprises hard standing that appears to have previously formed part of the adjacent car park, but is now used as a makeshift garden, which is surrounded by raised planters.
- 1.2. Manna House, the applicant and occupants of the Stephenson Centre, are a charity that provides advice, advocacy and support for people who are homeless and vulnerably housed in the District.
- 1.3. The surrounding area is predominantly residential, with Ann House, a care home, located north-east of the application site, across a shared private courtyard. The courtyard is bound by flats and dwellings to the south-east and south-west.

Proposal

- 1.4. The application seeks full planning permission for a temporary pod to house a homeless person in emergencies. The submitted specification indicates that the proposed pod would measure approximately 2.4 metres by 1.8 metres and have a curved roof form with a height of approximately 2.3 metres. The submitted information and photographs suggest that the proposed pod would have a grey fibreglass exterior, a UPVC window and a timber door, sited upon wooden blocks.
- 1.5. The submitted application form states that the proposed pod would be used for one individual at a time in emergency circumstances. The staff of Mana House would assess and act as gatekeeper to ensure that occupants have a limited brief stay.

2.0 Procedural Matter

- 2.1. Following the submission of the planning application, the applicant has suggested that planning permission is not required. However, if a person wishes to ascertain whether a proposed use or development would be lawful, the correct approach is for them to make an application under Section 192 of the Town and Country Planning Act 1990. Nonetheless, without prejudice to any future application, the Case Officer has informally advised that they consider a material change of use would occur and that planning permission is required.

3.0 Relevant Planning History

- 3.1. The application building, Stephenson Centre, was granted planning permission, by decision notice dated 28 September 2017, for a change of use from financial and professional services to non-residential services (ref. SL/2017/0570).

4.0 Latest Consultation Responses

Kendal Town Council

- 4.1. 5 May 2022: *“The Committee was concerned that a ‘temporary’ installation might become permanent, and felt this would be inappropriate in this location. Whilst raising **No Material Objections**, it recommended the permission be given a timescale of 3-5 years after which further permission should be sought.”*

Cumbria Police

- 4.2. 16 September 2022: *“There is little doubt that a facility of this type, to offer ‘emergency’ accommodation to homeless persons in the Kendal area, would be of benefit.*
- 4.3. *It is merely due to the proposed location – in close proximity to dwellings – that there may be concerns regarding the occurrence of disorder (i.e. overnight) by its presence.*
- 4.4. *The NPT [Neighbourhood Policing Team] is anxious that provision of such a facility will be robustly managed by the applicant and shall not become a source of nuisance or disturbance to nearby residents such that intervention by the Constabulary becomes necessary.*
- 4.5. *I am able to report that following a recent meeting with managers at Manna House, the organisation wishes to implement a CCTV scheme, observing exterior spaces (recognising privacy and compliance with Data Protection legislation) and in particular providing views of the proposed Pod. The NPT welcomes this measure.*
- 4.6. *It is expected that CCTV images shall be frequently reviewed, to ensure the pod is being utilised in the proper manner. Clients who ignore the protocol should be permanently barred from further use.*
- 4.7. *However, the applicant should demonstrate resilient management by establishing a protocol, whereby complaints regarding misuse or abuse of the facility shall be accommodated by Manna House staff in the first instance. It is suggested that provision of a telephone number (to closest residents), to be able to speak with an*

'out-of-hours' member of staff, who shall be responsible to respond to complaints of misuse of the pod.

- 4.8. *There must be no expectation in the local community that complaints regarding poor behaviour shall be routinely responded to by Cumbria Police. If staff decide that police intervention is subsequently required, then officers would respond as soon as practicable, depending on available resources.*
- 4.9. *The applicant must acknowledge that in the event of persistent misuse of the Pod (i.e. requiring police officer attendance) may result in the NPT urging for its withdrawal."*

Environment Agency (EA)

- 4.10. 31 August 2022: *"We have no objections to the proposal for the installation of a temporary, moveable shelter in the form of a compact pod for use to accommodate one homeless individual in an emergency.*
- 4.11. *As a result of the Curtins Consulting Flood Risk Assessment, albeit produced in 2017, the applicant, as owners of the existing property will be aware of the potential flood risk and frequency. The applicant should be satisfied that the impact of any flooding will not adversely affect their proposals."*
- 4.12. They then provide advice to the applicant regarding an environmental permit.

South Lakeland District Council (SLDC)

SLDC Conservation Officer

- 4.13. 13 September 2022: *"The proposed pod accommodation would be located within a courtyard within Kendal Conservation Area, which is enclosed by traditional 18th-19th century industrial workers housing and modern buildings of medium to low quality. This is reflected in part within the 2007 Conservation Area Appraisal's Architectural Quality Map, although it did not assess the Stephenson Centre and Ann House – the latter having been built later. In particular, the traditional buildings retain their vernacular character with slate pitched roofs, stone or wet dash walls and small openings. However, most have unsympathetic modern windows and door casements, many in UPVC, as well as UPVC pipes and satellite dishes. The modern buildings make an attempt to copy the vernacular style with the use of similar roof and walling materials, but the use of cement render, modern paints and wide UPVC windows harms the character of the conservation area. The courtyard itself comprises a poor quality environment with tarmacked and concrete paving surface car park and a small temporary garden area built with a mixture of low quality materials such as pallet wood, plastic, and metal. Only a small portion of stone wall bounds the site which is where the pod would be located.*

- 4.14. *In this context, the proposed temporary pod, of modern design and form, and finished with low quality materials, would only cause low additional harm to the conservation area. As this is a pre-fabricated structure, it is understood that no alterations to its design are available. However, the public benefits of the proposal are unclear. Whilst the provision of emergency shelter for the homeless is of high public benefit, several consultees' responses, including SLDC's Housing Strategy Group indicate that the location may be inappropriate for such facilities, and the pod facilities and its management are insufficient to provide adequate overnight shelter. Furthermore, it is unclear why the need is only temporary and what the long-term strategy for homeless shelter is for the Manna Centre. Therefore I am unconvinced that the harm to the conservation area, however low, is fully justified and outweighed by the public benefits of the scheme.*
- 4.15. *If the location of the proposal was however deemed appropriate, then a temporary permission of one year (including one winter season) may be acceptable for a trial of the proposed shelter service with the proposed pod, and to allow the applicants time to come up with a longer term proposal for an appropriately designed structure. Such structure should be bespoke designed having regards to the character and appearance of the conservation area in accordance with South Lakeland Plan Policy CS8.6 and Development Management Policy DM3, paragraphs 197 and 206 of the National Planning Policy Framework 2021, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Otherwise, the scheme should be refused as contrary to the objectives of the aforementioned policies."*

SLDC Housing Options

- 4.16. No formal response received.

SLDC Housing Strategy

- 4.17. 8 September 2022: *"In principle we support the development of emergency provision that is particularly suitable for local people who are, for one reason or another, unable to access mainstream temporary accommodation and Supported Housing. In some circumstances it may also provide a very temporary solution for single people who experience an unplanned crisis late in the day, particularly where the opportunities for the statutory homeless authority to assess the situation and provide immediate relief out of hours may be limited.*
- 4.18. *However I am not sure that all of the circumstances outlined in the Operator Statement within the application would necessarily lead themselves to a requirement to use a pod, since there are existing services available out of hours in South Lakeland District Council area to people in acute housing distress.*
- 4.19. *Where there are statutory responsibilities to accommodate someone who is homeless, it is likely that any stay in the proposed pod at Manna House would be very short term as outlined in the Operator Statement. However*

for other users it is more likely that stays will be longer than anticipated, particularly if the person has no local connection to the area and is unable or unwilling to access other accommodation that might be available. For that reason I am concerned that the proposed pod, which is designed for very short stays and is equipped with only a chemical toilet and single power socket for charging a phone/provision of a light, will be insufficient to meet the needs resulting from actual usage. To reiterate an earlier point, whilst we can see the value in the provision of stand-alone pods which meet the needs of those most at risk of crisis and disengagement, I have some concerns around the lack of access to mains water and cooking facilities in this pod. As Manna House does not provide 24 hour access to its main centre and intends to provide on-call support out of office hours only I am not sure that this is a sustainable model in terms of the user experience. In my opinion it is not comparable in the round with Manna House's previous provision of winter shelter in local churches as the proposed pod will almost inevitably be used for longer stays whereas there was no potential for that to happen in a church. Accordingly the comments we are providing are based on the specific delivery model proposed for the pod in the application.

- 4.20. *One of the reasons that winter shelters have stopped being delivered since 2019 is that the communal nature of their delivery increased the risk of the spread of Covid 19. The winter shelter model is now generally recognised as being outdated for that reason. Whilst we recognise the sincere attempt by Manna House to provide an alternative intervention which is safer and provides private space, we have specific concerns around the adequacy of the proposed model given the lack of 24 hour direct access to a water supply which would enable the users of the pod, who are more likely to have clinical vulnerabilities, to maintain personal hygiene.*
- 4.21. *In addition we have some further concerns around the proposed management approach outlined in the application given that the proposed location could be seen as an existing high profile location in the centre of Kendal. The on-call model described possibly understates the practical management issues that would need to be managed on a daily basis. The high profile nature of the location may itself attract unwanted attention to users of the pod who are more likely to have existing vulnerabilities. Ultimately whilst we believe that Emergency Homeless Pods which are sensitively and discretely located could be potentially very helpful in meeting some housing needs in the South Lakeland area, placing one adjacent to the Stephenson centre may not be the best choice of location.*
- 4.22. *An alternative pod design model, which ensures privacy, safety, security and good hygiene, and which also meets identified needs in appropriate locations where there is evidence of unmet need, is something that we would generally support."*

5.0 Representations

- 5.1. The application was publicised by a site notice posted 25 April 2022 and a press notice published 28 April 2022. These expired on the 16 and 19 May 2022, respectively. There have been 6 representations received, including 3 supports, 2 objections and 1 observation. They raise the following matters:

Principle of development

- The proposed development is inappropriate in terms of location and use.

Impact on the health and safety of the community

- The application site is located within a shared, secluded courtyard, which is poorly lit and not visible from public vantage points;
- There have been numerous instances when the police have been contacted due to disturbances;
- There is already noise and disturbance associated with Manna House;
- The surrounding area is quiet at night;
- The proposed location near to vulnerable residents of Ann House is inappropriate and would harm the amenity of users;
- The proposed development would result in additional activity with associated noise, nuisance and disturbance;
- The proposed pods have been carefully designed having regard to the safety and protection of people needing emergency accommodation; and
- The applicant would manage the accommodation effectively.

Impact on the character and appearance of the area, including the Kendal Conservation Area (CA)

- The proposed development does not consider the character and appearance of the surrounding area; and
- The proposed development would have a harmful impact on the Kendal CA.

Impact on the health and wellbeing of future users

- The proposed accommodation would lack basic facilities.

General matters

- There is not any objection to the principle of providing homeless accommodation;
- The proposed development is a benefit to all of the community; and
- The Local Authority could demonstrate a commitment to housing solutions by supporting the proposed development.

6.0 Relevant Planning Law and Policies

Planning law

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in exercising planning functions, special attention should be paid to the desirability of preserving or enhancing the character of appearance of conservation areas.

Development plan

South Lakeland Core Strategy:

- CS1.1: Sustainable development principles
- CS1.2: The development strategy
- CS2: Kendal strategy
- CS8.1: Green infrastructure
- CS8.2: Protection and enhancement of landscape and settlement character
- CS8.4: Biodiversity and geodiversity
- CS8.6: Historic environment
- CS8.8: Development and flood risk
- CS8.10: Design

South Lakeland Development Management Policies Development Plan Document (DMPDPD):

- DM1: General requirements for all development
- DM2: Achieving sustainable high quality design

- DM3: Historic environment
- DM4: Green and blue infrastructure, open space, trees and landscaping
- DM6: Flood risk management and sustainable drainage systems

South Lakeland Land Allocations Development Plan Document (LADPD):

- LA1.0: Presumption in favour of sustainable development
- LA1.1: Development boundaries

National Planning Policy Framework (July 2021) (NPPF)

The NPPF sets out governments planning policies for England and how these are expected to be applied. This is a material consideration in planning decisions.

At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). However, paragraph 12 confirms that the presumption does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. In this case, the relevant sections of the NPPF are:

- 2. Achieving sustainable development
- 4. Decision-making
- 8. Promoting healthy and safe communities
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

7.0 Assessment

Whether the proposal accords with the settlement hierarchy

- 7.1. The application site is located within the development boundary of Kendal, which is a principal service centre. Therefore, the proposed development complies with Policies CS1.1, CS1.2 and LA1.1. These policies, amongst other things, seek to direct most new development to existing service centres.

Impact on the health and safety of the community

Relevant legislation

- 7.2. Section 17 of the Crime and Disorder Act 1998 (CD Act) requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder.

Planning policy background

- 7.3. Policy DM1 of the DMPDP sets out the general requirements for all development, which includes, amongst other things, ensuring the delivery of acceptable levels of amenity, privacy and overshadowing for all users and occupants.
- 7.4. Policy DM2 of the DMPDP sets out sustainable design principles, which includes that development proposals should create and maintain safe and secure environments through designing out crime and designing in community safety.
- 7.5. Paragraph 92 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which, amongst other things, are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Case law

- 7.6. In the case of *West Midlands Probation Committee*¹, the Court of Appeal found that fear of crime was a material consideration. However, there must be some reasonable evidential basis for that fear and unjustified fear motivated by prejudice could never be a material consideration. The precise weight to be given to crime and the fear of crime is for the decision-maker but is clearly dependent on the quality of the evidence.

Assessment

- 7.7. The submitted information acknowledges that the clients of Manna House typically have chaotic lifestyles arising from complex needs and often traumatic life experiences. This includes having a wide range of mental and physical health problems, which are often undiagnosed and untreated. Therefore, the clients of Manna House are vulnerable individuals.
- 7.8. Ann House, the care home to the north-east of the application site, provides specialist provision for up to 16 adults with learning disabilities, autism and/or complex conditions such as mental health issues, personality disorders and

¹ *West Midlands Probation Committee v Secretary of State for the Environment Transport and the Regions* [1998] JPL 388

challenging behaviours. Therefore, the residents of Ann House are also vulnerable individuals.

- 7.9. There have been two representations of objection received from Ann House, which raise concerns regarding existing crime and the fear of crime, and adverse impacts on the living conditions of their residents from users of Manna House. This includes incidents where they claim that the police have attended. Consequently, they are concerned that the proposed development would exacerbate these existing issues.
- 7.10. However, the applicant denies any knowledge of the incidents raised by Ann House and have asked for further evidence. Moreover, despite a request, Cumbria Police have not confirmed whether they have had to attend incidents related to the clients of Manna House. Therefore, there is not currently any conclusive evidence to corroborate the claims of Ann House regarding existing crime and disorder.
- 7.11. Cumbria Police acknowledge potential concerns regarding disorder, but do not raise any fundamental objection to the proposed development. However, they stress the importance of robust management by the applicant and that persistent misuse requiring police attendance could result in the Neighbourhood Policing Team urging withdrawal of the accommodation.
- 7.12. The application site is located within a private courtyard located off Ann Street and is shared between Ann House and Stephenson Centre. Whilst there are not any views from public vantage points, the site and courtyard are overlooked by surrounding buildings, which offers some natural surveillance. There are also lampposts and other forms of external lighting around the courtyard.
- 7.13. The applicant does not have any comparable experience of operating this form of homeless accommodation. However, they have experience of helping homeless people generally, including supporting the operation of overnight accommodation through a 'Winter Shelter' scheme. Moreover, the submitted Operator Statement proposes a number of measures to ensure successful operation of the proposed accommodation. This includes an initial induction for occupants, leaving external lighting on at night, having on-call staff and installing closed circuit television cameras. These are considered to comprise a comprehensive mix of crime reduction and prevention measures.
- 7.14. Additionally, the proposed pod would only accommodate a single individual. The submitted Operator Statement suggests that homeless individuals are usually exhausted and want to sleep. Therefore, subject to effective management, the proposed development would unlikely result in any undue noise and disturbance.
- 7.15. In conclusion, taking the above matters together, officers consider that it could be appropriate to give the applicant an opportunity to demonstrate that they are capable of operating the proposed accommodation without having a significant adverse impact on the health and safety of the community. Therefore, subject to condition, the proposed development would have an acceptable impact on the community, with particular reference to health and safety.

Impact on flood risk, with particular reference to the sequential test

- 7.16. The application site currently comprises a hard surfaced carpark or garden, which constitute less vulnerable and water compatible land uses, respectively. The proposed development is non-major for the purposes of flood risk, but does not fit comfortably within the flood risk vulnerability classification. Nonetheless, officers consider that it most closely aligns with the use of a site for short-let caravans, which is a more vulnerable land use.
- 7.17. The application site is located within flood zone 3a as defined by the SLDC SFRA² (2007), meaning that it has a high probability of flooding. The site is located within flood zone 2 (fluvial) on the more recent EA Flood Map for Planning, meaning that it has a medium probability of flooding. Therefore, as a change of use to a caravan, camping or chalet site, the sequential test should be applied.
- 7.18. Despite multiple requests from the Case Officer, the submitted information does not provide the necessary evidence for the Local Planning Authority (LPA) to apply the sequential test. Consequently, the proposed development does not apply a sequential approach to the location of development.
- 7.19. Officers acknowledge that it is important to apply the sequential test pragmatically. However, the applicant has not demonstrated why it is impractical to accommodate the proposed development in an alternative location. For instance, the submitted Operator Statement suggests that the applicant has delivered a 'Winter Shelter' scheme at a number of other unspecified sites. Consequently, whilst having regard to the need for pragmatism, officers do not currently consider that it would be impractical to accommodate the proposed development elsewhere within Kendal.
- 7.20. Turning to whether the proposed development would be safe for its lifetime, the EA have commented no objections, but state that the applicant should be satisfied that the impact of flooding would not adversely affect their proposals. However, it is for the LPA, to determine whether the proposal would be safe.
- 7.21. The submitted information includes a basic Flood Risk Assessment Form. However, this is inadequate and does not consider how the proposed development would be flood resistant or resilient or whether an emergency plan is required. The applicant has also submitted a Flood Risk Assessment, which supported the previously approved application to change the use of the Stephenson Centre. However, this does not relate directly to the proposed development. Consequently, it is unclear whether the proposed development would be safe from the effects of flooding.

² South Lakeland District Council Flood Risk Assessment (2007)

- 7.22. The proposed development would not result in any significantly greater surface water run-off than existing. Moreover, a chemical toilet would be used, which would be emptied by the applicant. Therefore, the proposed development would have an acceptable drainage impact and would not increase flood risk elsewhere.
- 7.23. In conclusion, the proposed development does not apply a sequential approach to the location of development. Moreover, the submitted information fails to demonstrate that the proposed development would be safe from the effects of flooding. Consequently, the proposed development conflicts with Policy CS8.8 of the Core Strategy, Policy DM6 of the DMPDPD and Section 14 of the NPPF. These policies, amongst other things, seek to steer new development to areas with the lowest risk of flooding from any source, whilst ensuring that where development is necessary in areas at risk of flooding, it is made safe.

Impact on the character and appearance of the area

Assessment

- 7.24. Ann Street is comprised of later industrial workers housing built to a high density and set out as terraced rows facing onto the street. However, the Character Appraisal does not identify any notable townscape features on or near the application site and identifies the surrounding buildings as predominantly having a neutral or detrimental impact. The site itself relates to part of a carpark, which is closely associated with modern development and screened from public vantage points by intervening built form. Therefore, the application site does not make any positive contribution to the character and appearance of the Kendal CA.
- 7.25. The proposed accommodation would be tucked within the south-east corner of the carpark and have a small rectangular plan with an unusual curved roof form. Whilst intentionally functional, the high-level window, fibreglass exterior and wooden block base would have a low-quality appearance. This would not respond to local and settlement character. Therefore, the proposed development would have a harmful impact on the character and appearance of Kendal CA.
- 7.26. The level of harm to the character and appearance of the Kendal CA would be less than substantial. Whilst the harm would be to the lower end of the spectrum, this is still a matter of great weight, which must be weighed against the public benefits.
- 7.27. In conclusion, the proposed development would not constitute good design. Consequently, it conflicts with Policies CS1.1, CS8.2 and CS8.10 of the Core Strategy, Policies DM1 and DM2 of the DMPDPD and Section 12 of the NPPF. These policies, amongst other things, seek to achieve well-designed places. The heritage balance and compliance with related policies shall be considered within the overall planning balance and conclusion, at the end of this report.

Impact on the health and wellbeing of future users

Assessment

- 7.28. The proposed pod would be small and lack facilities and outlook, but would clearly be as comfortable, safe and welcoming as possible. Nonetheless, it would not provide an appropriate standard of accommodation on a long-term basis. Therefore, it would be important that a limit be placed on the length of time that individuals could stay to ensure that it is used only for short-term emergency needs. This would ensure compliance with Policy DM1 of the DMPDPD, which, amongst other things, seeks to deliver an acceptable level of amenity for all users.

Other matter – Housing need

Planning policy background

- 7.29. Policy CS1.1 of the Core Strategy states that all developments should help to meet the diverse social needs of our local communities. Similarly, other local and national planning policies seek to meet the housing needs of different groups.

SLDC Strategic Housing Market Assessment (SHMA) (2017)

- 7.30. Although five years old, the SHMA found that 190 households on the Housing Register within the SLDC LPA area had no housing. This situation was particularly acute in Kendal, which had 118 households with no housing.

Assessment

- 7.31. There is not any more recent and robust evidence to indicate that the situation highlighted by the SHMA has improved. Therefore, the proposed development would contribute towards meeting the housing needs of homeless people.

8.0 Planning Balance and Conclusion

- 8.1. Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 8.2. In conclusion, the proposed development is unacceptable in principle when having regard to the sequential approach to flood risk. There are also significant concerns that the proposed development would not be safe from flooding. Moreover, the proposed development would not constitute good design and would cause less than substantial harm to the character and appearance of the Kendal Conservation Area.
- 8.3. Taking account of the available evidence, officers consider that it could be appropriate to give the applicant an opportunity to demonstrate that they are capable of operating the proposed accommodation without having a significant adverse impact on the health and safety of the community. Furthermore, any harm from long-term occupation could be prevented by condition. However, these matters attract neutral weight.
- 8.4. Whilst the proposed development would contribute towards meeting the housing needs of homeless people, this social benefit is significantly diminished by the findings relating to flood risk. Therefore, the public benefits of the proposed development would not outweigh the harm to the Kendal Conservation Area. In turn, the proposed development conflicts with local and national heritage planning policies.
- 8.5. On this basis, the proposed development does not accord with the development plan taken as a whole and does not constitute sustainable development. Therefore, as there are no material considerations that outweigh this finding, it is recommended that planning permission be refused.

9.0 Reasons for Refusal

Reason (1) The proposed development does not apply a sequential approach to the location of the development. Moreover, the submitted information fails to demonstrate that the proposed development would be safe from the effects of flooding. Consequently, the proposed development conflicts with Policy CS8.8 of the South Lakeland Core Strategy, Policy DM6 of the South Lakeland Development Management Policies Development Plan Document and Section 14 of the National Planning Policy Framework.

Reason (2) The proposed development would not constitute sustainable high-quality design and would cause unjustifiable less than substantial harm to the character and appearance of the Kendal Conservation Area. Consequently, the proposed development conflicts with Policies CS1.1, CS8.2, CS8.6 and CS8.10 of the South Lakeland Core Strategy, Policies DM1, DM2 and DM3 of the South Lakeland Development Management Policies Development Plan Document, and Section 12 and 16 of the National Planning Policy Framework.