Application no: 7/2009/5079
Applicant: Mr L Micklethwaite, Lakeland Motor Museum
Date of Application: 18 February 2009
Type of Application: Full

Location: Land adjacent to Inglenook, Backbarrow, Ulverston, LA12 8PZ
Grid Reference: 335493 485058 See Plan
Proposal: Proposed halt on the Lakeside & Haverthwaite Railway

District Council: 
Parish Council: Object Unanimously decided to object to the application. See letter on file/electronic folder for reasons.
Highway Authority: Support

RECOMMENDATION: DELEGATE to Head of Development Management to APPROVE on the satisfactory conclusion of negotiations regarding design.

REPORT:

1  BACKGROUND & PROPOSAL

1.1 I am reporting this application to the Development Control Committee as my recommendation conflicts with the views of Haverthwaite Parish Council.

1.2 On my recommendation Members of the Development Control Committee inspected the site on 10 June 2009. At the site visit Members requested further information regarding predicted numbers of passengers using the proposed halt. The applicant has provided the table (see Appendix 1 attached), which illustrates the projected number of visitors to the rail halt for the period 2010 to 2012.

1.3 This application is for a new railway halt (platform) on the Lakeside to Haverthwaite Railway (L & HR), to provide a sustainable transport link to the Lakeland Motor Museum site as part of the wider Windermere Waterfront Programme (WWP). The idea of this sustainable transport link was raised as part of the planning application for the relocation of the Lakeland Motor Museum when it was approved in 2008 and was welcomed in principle by Members at that time. The wider strategic context of the site as part of the WWP is very important. Indeed this is one of the first proposals to come forward under the WWP. Consideration must be given to the wider role that the halt and railway can play in contributing to the sustainable transport framework aspirations for the National Park, providing real alternatives to the use of the private motor car.

7/2009/5079
1.4 The idea behind this proposal is to provide a sustainable transport link accessing the whole of the WWP area from the L & HR and from Windermere Lake Cruises. The halt would specifically serve the Lakeland Motor Museum which is now under construction. The site for the platform would be located on the eastern side of the railway tracks, running parallel with Finswhate Lane, starting approximately 70m north of the road bridge over the River Leven. The proposed platform would run from just south of the property known as Ingleneok, northwards up to the boundary with Chapel House. The approximate length of the platform would be 121m, sufficient length to accommodate the six carriages operated by the Railway, including the 7m ramps at each end. The existing path from the railway to the road would be upgraded and access friendly ramps provided. Passengers would either use the footbridge across the river as part of the time share complex to directly access the Museum site, or they would have to go around the road. Discussions are currently ongoing between the applicant and the timeshare company to see if the route over the footbridge can be used.

1.5 The submitted plans show that the new platform would be approximately 121m (6 carriages) long and 2.7m wide. It would have diagonally boarded timber fencing (dark stained) to the back edge to a height of 1.5m. The platform itself would be timber boarded with a non-slip expanded metal surface. The front edge of the platform would be 900mm above the level of the railway tracks and the rear would be supported over the embankment by tall steel square sectioned posts set on concrete foundations. The whole framework for the structure of the platform would be in square sectioned steel members. A long disabled access ramp (approximately 51m) would be provided from the top of the path to a point approximately half way along the platform. This access ramp would add an additional 1.9m onto the width of the structure where it abuts the platform. The existing unmade path from Finswhate Lane to the platform is also proposed to be upgraded, including minor levelling works, appropriate ramping and surfacing in tarmac. A 2m high close boarded fence would be erected to the southern boundary of the garden of Chapel House, adjacent to the path. A demarcated ‘refuge’ area would be provided at the bottom of the ramp where it meets with the road which would be constructed and signed to warn pedestrians of the road. This area, together with the level landing half way up the path and the level area at the top of the path would be finished in concrete sets in a contrasting colour. Signage would also be provided at the top of the path to warn pedestrians of the railway line.

1.6 The timetable for the railway this year shows that the railway operates from 4 April to 1 November. The first train leaves Havertonite at 10.40 hours each day. The last train leaves Lakeside in the peak season (24 May to 31 May and 20 July to 28 August) at 17.48 hours, in mid season (up until 24 October) at 16.50 hours and in low season at 15.45 hours. All of these trains connect to the services run by Windermere Lake Cruises, accessing Ambleside and Bowness.

1.7 The proposed platform lies outside of the development boundary for Backbarrow, so it is within open countryside as defined in the Local Plan. However, the path from the road to the railway line is within the development
boundary. The railway line itself is included within the Sites and Monuments Record and is therefore of archaeological interest. The path from the road to the railway line is not a public right of way, but it is used by local residents for accessing the woodland on the opposite side of the line for recreational purposes.

2 REPRESENTATIONS

2.1 Representations have been received from eight individuals (one representing the Lakeland Village Club Timeshare Owners Committee). One letter supports the proposal and seven letters object.

2.2 The letter of support comments as follows:
   - Full support for the application.
   - The proposal will be beneficial to local residents as well, by providing access around the lake.
   - The halt will greatly enhance the tourist experience by increasing the options open to them and by reducing traffic on the roads.
   - It is small, unobtrusive and blends in well with its surroundings.
   - A train stopping here will have little if any affect on nearby residents.
   - People on the road will be no more intrusive than the existing number of ramblers that use the lane.

2.3 The main issues raised in the seven letters of objection can be summarised as follows:
   - No access to the timeshare footbridge
   - Highway safety – across the road and around the road
   - Overlooking/privacy of adjacent properties
   - Dominance of platform to nearest dwellings - height
   - Treatment of path
   - Light pollution
   - Need
   - Flooding of path
   - Disabled Discrimination Act not complied with
   - Environmental impact
   - Only stops going south
   - Solution – Shuttle bus from the station to the Museum

3 CONSULTATIONS

3.1 Haverthwaite Parish Council object to the proposal, on the following grounds:
   - There would be no economic benefits to the village as users of the halt are unlikely to visit local shops, the Post Office or the hostelries.
   - Unnecessary industrialisation of the area, in a residential area.
   - It would adversely affect residential amenities (privacy, visual, loss of day light).
   - The proposed timetable from 8.30am till 7pm is too long (noise pollution).
   - Light pollution, from lights on path.
• Highway safety (access will never be achieved over the timeshare footbridge)
• The applicant could provide transportation from the station (as with the arrangements for the disabled). This would remove the need for the halt and all its disadvantages.

3.2 **Cumbria Highways** is generally supportive of this proposal as it helps to meet their sustainable objectives. They would like to see the applicant negotiate a direct route across the river as the main route to the Museum, as without this link the use of the halt will be less attractive to visitors. A safety audit of the design and gates at the bottom of the path should be provided at some point (condition). If the road route, which has no footways, is to provide the link to the Museum the applicant should undertake a survey of this route and provide mitigating measures to ensure that the route is as safe as possible for pedestrians (condition).

3.3 **Rail Inspectorate** – have not commented directly, but have been advising the applicants on their scheme.

3.4 **Health and Safety Executive** – no comments received.

3.5 **Friends of the Lake District** – welcome this proposed improvement in sustainable access to the relocated Lakeland Motor Museum. The development site appears well chosen and the proposal accords with PPG13 and Local Plan Policy TR5. They would therefore wish to register their support for this application.

4 **POLICY**

4.1 The following development plan policies provide the context for the decision. The principle of the proposal needs to be assessed against the transport and tourism development policies. Once the principle has been established the remaining issues may be considered.

The following policies of the North West of England Plan Regional Spatial Strategy to 2021 are relevant:
• DP7 (Promote environmental quality)
• EM1(B) (Natural environment)
• DP5 (Manage travel demand; reduce the need to travel and increase accessibility)
• W7 (Principles for tourism development)
• RDF2 (Rural Areas)

The following extended policies of the Cumbria and Lake District Joint Structure Plan 2001-2016 are relevant:
• E37 (Landscape character)

The following saved policies of the Lake District National Park Local Plan are relevant:
• NE1 (Development in the open countryside)
• NE2 (Development of larger settlements)
(The site is outside but immediately adjoining the development...
boundary)
- NE16 (Protection of archaeological sites)
- TR5 (Public transport facilities)

4.2 These policies provide a detailed framework for the assessment of this proposal and highlight important material considerations. The issues range from those of principle to detailed analysis of potential impacts during and resulting from the development.

5 ASSESSMENT

5.1 The principle of this proposal needs to be assessed against the transport and tourism development policies. Once the principle has been established the remaining site specific issues of design and scale, landscape impact, residential amenity, highway safety, nature conservation and archaeology may be considered.

Is the principle of this proposed rail halt acceptable bearing in mind the wider strategic need for this development?

5.2 As part of this site lies within the development boundary for Backbarrow and part outside, both policies NE1 and NE2 of the Local Plan are relevant. Policy NE1 states that development in the open countryside will only be permitted where it would be closely integrated with existing uses and where a number of other criteria are met. These other criteria are discussed in the issues set out below. However, the proposed rail halt would be closely integrated with the railway and with the Museum it is intended to primarily serve, it only being a 5 minute walk away and the nearest suitable location available. Policy NE2 states that development of the larger settlements will be contained within the development boundaries and only in exceptional circumstances will development be allowed outside their boundaries. Here we have a site that straddles the boundary, has very specific site requirements and is of much wider strategic importance, being part of a sustainable transport system serving the whole of the WWP. The site for the platform is immediately adjoining the boundary. Given the strategic importance of the wider sustainable transport system I consider the principle of the development to be acceptable under policies NE1 and NE2 of the Local Plan and consistent with the principles of Policy RDF2 in relation to development in the open countryside.

5.3 Policy DP5 of the Regional Spatial Strategy requires development to be located so as to reduce the need to travel, especially by car. It states that a shift to more sustainable modes of transport should be secured, an integrated approach to managing travel demand should be encouraged and road safety improved. Safe and sustainable access for all, particularly by public transport to leisure facilities, etc. should be promoted, and should influence locational choices and investment decisions. This proposal specifically provides a sustainable form of transport linked to the wider WWP area and a real alternative to the use of the motor car. It would not only serve the Museum but other local facilities in the area as well, most notably the hotel and the area generally for walkers. I consider that the proposal specifically addresses the requirements of Policy DP5 and is therefore acceptable in principle.
5.4 Policy W7 of the Regional Spatial Strategy provides principles for tourism development which ensure, amongst other things, that infrastructure improves the region’s overall tourism offer and that facilities are easily accessible by sustainable means. I consider that the proposed halt would improve the tourism offer of Backbarrow and the Museum. The new halt would certainly mean that the Museum would be easily accessible by the wider sustainable transport links already in place as part of the WWP. I therefore consider the principle of the halt to be acceptable under Policy W7.

5.5 Policy TR5 of the Local Plan relates to public transport facilities. It states that development which helps to maintain or improve public transport facilities will be favourably considered. I consider that the proposed halt would improve the public transport facilities in the area by providing a new stop on the railway to the benefit of its users. I am therefore satisfied that the principle of this proposal is acceptable under Policy TR5.

5.6 This proposal is a key element in providing a sustainable transport service in this area to serve the Museum, which is currently under construction. It would link through to the WWP area which would mean that the public could access the Museum from Ambleside, Windermere and Lakeside by using sustainable forms of transport rather than their motor car. This proposal is key in delivering the sustainable transport link as part of the WWP and is therefore strategically important for the area. The principle of the new halt is acceptable and is to be encouraged under the policies discussed above, but the site specific issues also need to be considered. They need to be considered within the context of the strategic importance of this scheme. The site specific issues are discussed below.

Are the siting, scale and design of the scheme acceptable?

5.7 Policy DP7 of the Regional Spatial Strategy promotes good quality design in new development, and understanding and respect for the character and distinctiveness of places and landscapes. Policy NE1 of the Local Plan requires development to respect the character of the area in which it is proposed.

5.8 The siting of the proposed halt has, to a certain extent, been constrained by the physical limitations of the train, the steepness of the line, the requirements of the Rail Inspectorate (health and safety), availability of pedestrian access, effect on any neighbours, distance from the Lakeland Motor Museum site and visual impact. Consultants acting for the applicants at the pre-application stage of the proposal examined two potential sites, but this was the preferred site for these reasons. The possibility of siting the halt on the opposite (west) side of the track has been explored with the applicants but this cannot be achieved for health and safety reasons. In these circumstances I am therefore satisfied that the siting of the proposed rail halt has been fully examined and is acceptable.

5.9 The scale of the proposed halt, at approximately 121m long, is a requirement of the Rail Inspectorate. The platform needs to be able to fully accommodate the six carriages operated by the railway in their peak period, for health and
safety reasons. Any new platforms on this railway are required to be able to fully accommodate the trains they are designed to serve. The height of the platform above the level of the rail tracks is set at 900mm, so that the platform lines up to the carriage doors at the correct height. The width of the platform at 2.7m is a minimum width to allow the doors of the carriages to swing open and to provide a clear area for passengers away from the platform edge when trains are moving in front of the platform. The scale of the proposed halt is the minimum allowed having taken into account the constraints placed upon the operators, and I am satisfied that this is acceptable.

5.10 The design of the proposed rail halt has been the subject of much negotiation and debate. As originally submitted the design of the platform is considered to be relatively nondescript. There is nothing intrinsically wrong with the design except that it is completely utilitarian and devoid of any design detail that gives any clue to locality or promotes any visual stimulation. It could be located anywhere. All of the materials specified are standard and extremely ordinary. The tarmac, concrete setts and kerbs, the dark stained timber diagonal boarded fence and the steel channel supports all lack any character. Backbarrow has a rich industrial past and an existing heritage railway and a number of themes exist to base an imaginative design on. The WWP promotes a higher standard of design for new related developments. Negotiations have been on-going with the applicant in order to achieve an enhanced design for the halt, but at the time of writing the report no revised plans had been received. It is hoped that a revised design can be presented to Committee at the meeting.

Would the proposal have any detrimental impact on the visual amenities/landscape character of the area?

5.11 Policy E37 of the Structure Plan requires new development to be compatible with the distinctive characteristics and features of the landscape.

5.12 The site for the rail halt is located at a higher level than Finsthwaite Lane and part way up the rising land on the west side of the lane. The existing rail track is on a level section with a backdrop of the rising woods behind. Between the site of the new halt and the lane are existing woodland and a residential property. The landscape character of the area is very much one of wooded valley containing a large linear settlement on its floor and lower slopes, which displays strong industrial and domestic characteristics.

5.13 In long distance views of the site from the east (across the valley) the new halt would not be readily visible at this time of the year, apart from a small section behind the property known as ‘Inglenook’. This is due to the substantial tree cover to the east of the site. In winter, however, filtered views of the halt would be visible through the trees, but at a considerable distance. The proposed halt would be seen in very close relationship to the upper limits of other developments on this side of the valley and I consider that this would be acceptable in landscape character terms.

5.14 In shorter distance views in the immediate area of Finsthwaite Lane the halt would not be readily visible in summer due to the existing woods and residential property between the lane and the site. In winter, the halt would be
visible with filtered views through the trees. The view would be looking up the slope to the underside of the platform and it would be seen in the context of the rising land and woodland behind. I do not consider that this view would be so detrimental to the landscape character or visual amenities of the area to warrant a refusal of planning permission. I therefore consider the proposals to be acceptable in landscape and visual amenity terms and in accordance with Policy E37 of the Structure Plan.

**Would the development have any harmful impact on the neighbouring properties?**

5.15 The nearest two properties which could be affected by these proposals are ‘Inglenook’, immediately to the east of the southern end of the platform, and ‘Chapel House’ at the northern end of the platform and immediately to the north of the access track. Both of these properties have submitted representations on the proposals. The occupiers of ‘Chapelstone Cottages’, opposite the bottom of the access footpath, could also be affected and some of these occupiers have also submitted representations.

5.16 With regard to ‘Inglenook’, this property is set at a much lower level than the track, at the base of the embankment. The distance between the back edge of the halt and the rear elevation of this property would be 14m. The rear garden of the property is 6m deep to their boundary. There are some small trees on the embankment on the rail side which provide some screening in the summer. The main garden area of this property appears to be to the side (south) of the dwelling although the patio/sitting out area is to the rear (west). The proposed new platform would be sited across the rear elevation of this property and at a higher level. The main concerns with this is the dominance of the platform to this house and garden, and also overlooking from the platform. The applicant has indicated that the platform can be moved 20m to the north, but this would still result in the end of the platform extending just beyond the southern end of the house. The proposed platform would therefore still be dominant in relation to this property, but would not extend so far beyond. With regard to the overlooking from the platform I do not consider this to be such an issue as passengers would be transient, the planting on the embankment would provide some cover, this part of the platform would only be used when all six carriages are required in the height of the peak season.

5.17 ‘Chapel House’, at the northern end of the platform would not be directly overlooked from the platform, but the access to the platform from the road passes up its southern boundary. The garden area to this property is at a lower level than the path. This access path exists at the present time and is used by local residents to access Grassings Wood on the other side of the track for recreational purposes. It is not a public right of way. The submitted plans show a 2m high close boarded fence along the entire length of this boundary to afford this property some privacy, but this would also be quite dominant to the garden of this property. There would also be more people using the path.

5.18 ‘Chapelstone Cottages’ opposite the bottom of the access path can be viewed from the access path, but this is across the road and I do not consider that this is unreasonable.
5.19 This proposal for a new rail halt in this location would have an impact on the residential amenities of the nearby neighbours. The site inspection clearly highlighted the affects on the surrounding properties. However, the effect of this impact and the weight to be placed on it needs to be assessed in the light of the wider strategic need for this development. I have carefully assessed the impact of the proposal on these properties but do not consider that the impacts would be so great as to warrant a refusal in this particular case.

Would the development result in any highway safety issues?

5.20 There are two potential areas of highway conflict associated with this proposal. The local residents have highlighted this as one of their concerns. The first is the discharge of people from the bottom of the path serving the halt, onto and across the road. The second is the possibility of people walking along the roads over the road bridge to the Lakeland Motor Museum site, should permission be refused to use the pedestrian river bridge which is part of the timeshare development.

5.21 Both of these scenarios have been addressed by Cumbria Highways, who are generally supportive of the proposals (see full comments at paragraph 3.2). The highways engineer has requested a safety audit of the design of the refuge area next to the road and gates will have to be provided at some point to prevent pedestrians running down onto the public road. If the road route is to provide the link to the museum a survey of this route will be required with mitigation measures to ensure that the route is as safe as possible for pedestrians. Both of these items can adequately be covered by appropriate conditions imposed on any permission granted. Subject to the imposition of such conditions I consider the highway safety aspects of this scheme to be acceptable.

Have the nature conservation issues been adequately addressed?

5.22 The nature conservation issue in relation to this site is the presence of the Hazel Dormouse, which is a European Protected Species, protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and under the Conservation (Natural Habitats &c.) Regulations 1994. Policy EM1(B) of the Regional Spatial Strategy seeks to protect the regions biodiversity resources.

5.23 A Dormouse Survey has been submitted with the application, which also covers other protected species (birds, bats, red squirrels and reptiles). The survey has concluded that there is a moderate likelihood that dormice are present in the woodland and bramble on both sides of the railway line immediately adjacent to the site and a low likelihood of their presence on the footprint of the proposed halt. The construction of the halt could disturb or harm any dormice present in the adjacent woodland and bramble and could damage potential dormouse habitat in these locations, and the operation of the proposed lighting of the site could disturb dormice during the operation of the halt. The construction of the halt could also disturb breeding birds and hibernating bats and lighting during its operation could disturb roosting birds and foraging bats. No impact on red squirrels or reptiles is considered likely.
The survey proposes mitigation measures be put in place to minimise the risk of harm or disturbance to dormice and other protected species during the construction and operation of the proposed halt. It should be noted that the lighting originally proposed has now been omitted from the scheme, overcoming these concerns. The mitigation scheme included within the report is comprehensive and a condition requiring the mitigation scheme to be implemented is considered to be necessary, should this application be approved. Subject to such a condition I consider the proposal to be acceptable in ecological terms and in accordance with Policy EM1(B) of the Regional Spatial Strategy.

Are there any archaeological implications?

5.24 The whole of the railway line is covered by a Sites and Monuments Record (SMR), number 5546. Policy NE16 of the Local Plan seeks to protect locally important archaeological sites and states that development which would adversely affect such a site will not be permitted except where the loss of the archaeological resource is outweighed by the need for the proposed development. Under this proposal the archaeological resource would not be lost. Intervention by way of the support posts is relatively minimal and would not interfere with the line itself. The Senior Archaeology and Heritage Adviser has no archaeological comment to make. I am therefore satisfied that the proposal is in accordance with Policy NE16 of the Local Plan.

6 CONCLUSION

6.1 The wider strategic context of this site as part of the WWP is very important. Consideration must be given to the wider role that the halt and railway can play in contributing to the sustainable transport framework aspirations for the National Park, providing real alternatives to the use of the private motor car. The idea behind this proposal is to provide a sustainable transport link accessing the whole of the WWP area from the L & HR and from Windermere Lake Cruises. The halt would specifically serve the Lakeland Motor Museum which is now under construction.

6.2 As has been demonstrated above, the principle of this development is acceptable in policy terms. The site specific issues have been considered very carefully, especially the impact the proposal could have on the nearby residents and the landscape. Committee has already inspected the site with these issues in mind.

6.3 The proposal will have some impact on the nearby neighbours, but I do not believe that the likely impact is so great as to warrant a refusal in this case. I have therefore concluded that the wider strategic importance of this proposal would outweigh the impact the proposal would have on the nearby residential properties. I would therefore recommend that the Head of Development Management be delegated to approve the application on the satisfactory conclusion of negotiations regarding design.

Committee is recommended to:

DELEGATE to Head of Development Management to APPROVE

7/2009/5079
BACKGROUND PAPERS: Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.
### Lakeland Motor Museum - Projected rail halt visitors 2010 to 2012

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<th>Winter off-peak (Days)</th>
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**Projected museum visitors per day**

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**Projected visitors arriving by train**

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<td>Total</td>
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**Train only operates in Summer**

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**Average rail halt users per day**

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**Popular trains in each direction**

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**Estimated variances**

**Quiet days**

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<td>Average x 4/3 e.g. Weekends</td>
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**Extreme variance**

**Quiet days**

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Application no: 7/2009/5179
Applicant: Mr & Mrs Robinson
Date of Application: 8 April 2009
Type of Application: Full

Location: Coniston Lodge Hotel, Station Road, Coniston, LA21 8HH
Grid Reference: 330089 497478 See Plan

Proposal: Conversion of six en-suite double bedrooms into two number two bedroom managed apartments

District Council: 
Parish Council: 
Highway Authority: Grant/approve with conditions

RECOMMENDATION: REFUSE for the following reasons

REPORT:

1 BACKGROUND AND PROPOSAL

1.1 I am reporting this application to Committee because my recommendation is contrary to the view of Coniston Parish Council. The application has also generated public interest with letters of support. It is also a proposal which raises similar policy issues to another application at the Sun Hotel (7/2009/5225) on this agenda and I consider it appropriate that Committee consider both proposals. The application also represents a departure from the Development Plan.

1.2 The site lies some 150m south west of the main centre of Consiton on a mainly residential street which leads up to Old Furness Road and access to the fells. Coniston Lodge Hotel is a property in two parts but linked together. The western building forms the living accommodation for the owners and functions as the dining room, lounge and reception area for the hotel. The eastern building is a purpose built accommodation block on the first floor with undercroft parking on the ground floor. There are 6 en-suite bedrooms. There are landscaped gardens around the property as a whole.

1.3 Planning permission was granted in 1987 to extend the original dwelling to form a private hotel and the 6 bedroom accommodation block was erected as a result. The hotel has operated ever since by the applicants. As a private hotel it was not open to non residents for meals or bar to restrict noise and activity to nearby residents.

1.4 The proposal is to convert the 6 en-suite bedrooms into 2 x 2 bedroom apartments providing self contained holiday letting apartments. Each apartment would have bathroom, bedrooms, living area and kitchen. Access
to the apartments would be via the existing entrance. The applicants have indicated that they would no longer offer dining and bar facilities and therefore these areas would revert back to private use for the owners. The apartments would therefore be independent of the owners accommodation on a day to day basis but services (power, water, linen etc) would be linked to the owners accommodation. The undercroft parking area would remain for use by users of the apartments.

1.5 The applicants have provided some supporting information with the application as to why they require the proposed changes to their business which has been summarised below:
- To bring the business in line with development trends in the Tourism industry for self catering type facilities.
- To modernise in line with guests expectations
- To rationalise day to day workload to provide income in retirement
- To remain in their family home where they have lived all their lives and contribute to community life.

2 REPRESENTATIONS

2.1 We have received 5 letters of support for the proposal from local residents and one from Cumbria Tourism. The points made by local residents have been summarised as follows:
- Mr and Mrs Robinson (the applicants) were born in the village, worked here and supported village life , including the mountain rescue team and are highly respected and important part of the community. Both have provided service to the community.
- The village would suffer if they were forced to sell and leave.
- They have both run successful hotels and restaurants in the village.
- If they had not been local I would be happy to support refusal.
- I realise granting permission might contravene current policies however I would encourage the National Park to work with them to find a solution.

2.2 Cumbria Tourism make the following comments:
- The owners have asked me to write in support of their application.
- Whilst this would result in further reduction in serviced accommodation I understand they wish to reduce workload and would prefer to see high quality self catering apartments than loss to visitor market entirely.
- Market for self catering remains relatively buoyant with occupancy rates of 60%.
- I am confident that the market for self catering in the area can be sustained. And if well run the business would be a success.

2.3 Coniston Parish Council have made two comments to this application. In the first they indicated support for the proposal as it would have no impact on the environment and a positive compromise in terms of owners remaining in the building and manage it which would benefit the family and the community in which the family has been so important. The Parish Council then made further comments to indicate that they are aware that the application contravenes Policy H20 and that we should, in theory, refuse the application. They strongly recommend that, in this instance, we continue to work with the
applicants to find a solution to the problem bearing in mind the comments they made earlier, even though this may delay a decision.

2.4 In view of the Parish Council comments I initially decided to delay presentation to Committee until August to allow the applicant to comment on a draft report. They declined this opportunity.

3 POLICY AND ASSESSMENT

3.1 The relevant North West of England Plan Regional Spatial Strategy to 2021 policies are:
- DP7 (Promote Environmental Quality)
- RDF2 (Rural Areas)
- W6 (Principles of Tourism development)

The relevant extended Cumbria & Lake District Joint Structure Plan 2001-2016 Policies are:
- H20 (Housing in the Lake District National Park)
- EM16 (Tourism)

The relevant saved Lake District National Park Local Plan Policies are:
- H2 (Housing in larger settlements)

Also relevant to the determination of this proposal is the Good Practice Guide on Planning for Tourism

3.2 There are two main issues to consider in the determination of this application:

- Would the proposal satisfy Policy EM16 of the Structure Plan that seeks to safeguard serviced accommodation and if not are there any material considerations to indicate that the application could be approved contrary to this policy?

- Does the proposed development accord with Policy H20 of the Structure Plan and H2 of the Local Plan (housing policies) and if not are there any material considerations to indicate that the application could be approved contrary to this policy?

Would the proposal satisfy Policy EM16 of the Structure Plan and if not are there any material considerations to indicate that the application could be approved contrary to this policy?

3.3 Policy EM16 of the Structure Plan indicates changes of use or conversions which result in the loss of important tourism accommodation will not be permitted unless they are demonstrated to be unviable. The policy also states that tourism development within the National Park will only be permitted where it would not result in loss of serviced accommodation to other tourism uses.

3.4 The Coniston Lodge is important tourism accommodation because:
- it contributes to the role and attractiveness of Coniston as a tourist centre
- it is significant as part of a range of tourist accommodation options in Coniston

In my view the proposal would result in the loss of important tourism accommodation.

3.5 Appendix 1 contains information from the applicant about the business. It appears that the current operator is successful and I am not persuaded that the information amounts to evidence that the Coniston Lodge is unviable as required by Policy EM16.

3.6 Although the proposal is housing it is proposed to be occupied by holiday visitors which is a form of tourist use and it is clear that the conversion would result in a loss of serviced accommodation, which is safeguarded by Policy EM16.

3.7 I am not persuaded that the personal circumstances of the applicant are sufficient to outweigh policy.

Does the proposed development accord with Policy H20 of the Structure Plan and H2 of the Local Plan and if not are there any material considerations to indicate that the application could be approved contrary to this policy?

3.8 Policy H20 of the Structure Plan states that housing development will only be permitted where the development is of a scale and type designed to contribute to the housing needs of the locality, as defined in the Supplementary Planning Document on Demonstrating Housing Need. Policy H2 of the Local Plan indicates that housing development within larger settlements will only be permitted where all of a series of criteria are satisfied including that the development is designed to meet the housing needs of the locality and a planning obligation is secured to ensure that occupancy of the dwelling is confined to local persons in perpetuity. All planning applications must be determined in accordance the Development Plan unless material considerations indicate otherwise.

3.9 The proposal is for two self contained holiday units and although providing holiday tourism accommodation, it is still a form of housing development, and therefore the proposal must be considered against Policy H20. As a matter of law, self contained holiday accommodation is a self-contained dwellinghouse. The accommodation provides facilities required for day-to-day private domestic existence. It is entirely self-contained with kitchen, washing and sleeping facilities. This legal status as a house is not altered by the imposition of occupancy restrictions or by the collective management of the unit as some form of tourism accommodation business. The holiday dwellings are clearly not designed to meet the housing needs of the locality as it is specifically for holiday accommodation, and so on this basis would be contrary to policies H20 and H2.
3.10 There is an outstanding need in Coniston for housing to meet local needs and this building could provide such accommodation. A change of use to self catering holiday unit would be a lost opportunity to provide local housing in a village where there is a high identified need.

3.11 Coniston has a very high percentage of second homes and homes in holiday lets which at the 2001 census was 43% but this has increased and now stands at about 52% (information from Parish Council survey). Although this does not specify those that are available for letting it is unlikely there is a shortage of self catering holiday lets in Coniston to warrant setting aside the housing policy (particularly given the number advertised in the locality).

3.12 In my opinion there are no material considerations which warrant approval of this proposal contrary to this policy.

Other Issues

Residential amenity

3.13 The proposal for change of use from 6 hotel letting bedrooms to a 2 x 2 bedroomed self catering holiday units would have no material change in terms of the impact on neighbouring properties from noise or disturbance.

Highway Safety

3.14 The proposed self catering parking provision remains the same for less number of bedrooms and therefore the development would have no adverse impact on parking provision or on road parking.

4 CONCLUSION

4.1 This proposal is contrary to tourism and housing policy and I do not consider that there are sound planning reasons to set aside these policies. I anticipate that the applicant or agent will wish to speak to the Committee at the meeting.

Committee is recommended to:

REFUSE for the following reasons

1. The proposed development would result in loss of important tourism and serviced accommodation and would therefore be contrary to Policy EM16 of the Cumbria and Lake District Joint Structure Plan 2001-2016 which seeks to safeguard this type of accommodation.

2. The proposed development of a self contained holiday unit would be contrary to Policy H20 of the Cumbria and Lake District Joint Structure Plan 2001-2016 as implemented through the Supplementary Policy Document on housing need which requires all new housing development to contribute to the housing needs of the locality and Policy H2 of the Lake District National Park Local Plan which requires accommodation to meet local need.

BACKGROUND PAPERS: Background papers are available for inspection on the planning application file unless otherwise
specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.
Coniston Lodge, Station Road, Coniston
Supporting Statement
8th April 2009

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Grove Barn, Hartsop, Penrith, Cumbria, CA11 0NZ
Registered in England Number 4724300
1. Location

Coniston Lodge is positioned just outside the commercial centre of Coniston in a residential area on the south side of Station Road. Coniston Lodge was originally built in the garden of Sunny Brow and the properties surrounding it are individual houses, the majority being used for tourism purposes.

2. Background

The applicants for this proposal Mr and Mrs A Robinson were born, brought up, raised a family and spent all their working lives in Coniston and would like to retire there. Mr Robinson is 64 and his wife 59 years old.

Mr Robinson's mother had Sunny Brow built for her in 1960 and in 1987 the applicants gained planning permission to extend Sunny Brow Cottage to form a private hotel. Its use is restricted under Planning Condition 6 which states "The building hereby permitted shall be used only as a private hotel and bar facilities shall only be available to hotel residents and to non-resident customers of the dining room." This restriction was put in place to restrict possible traffic and noise which could be objectionable to nearby residents, particularly in the evenings.

The project was completed and Coniston Lodge was opened in August 1989 and since then has traded continuously to date run by the applicants, only closing for one month each year.

3. Proposal

This application seeks permission to convert the six en-suite bedrooms at first floor into two managed apartments for holiday letting. This is achieved by minor internal alterations to the dividing walls with no changes to the external fabric as illustrated by drawing no. CLH-100.

The reasons for the changes are as follows:

a. To bring the business in line with development trends in the Tourism Industry which is favouring self-catering type facilities.
b. To modernise the suites in terms of design to keep in line with guests' expectations and requirements.
c. To rationalise their day to day workload and create a business they can run to provide income in retirement.
d. To remain in their family home in the village they have lived all their lives where they have brought up a family and contributed to community life.

The other alternative, which is to sell up and move to somewhere smaller and live off the remaining capital, is unrealistic due to today's economic situation. At this stage in Mr and Mrs Robinson's life, the start of a new business venture is also an unrealistic prospect.
4. Design and Access

In terms of design, as the alterations are only internal, there is no impact on the surroundings in a cosmetic sense, but due to the reduction in bedspace from six double rooms to four, and there will be a reduction in the number of guests. Guests will also tend to stay for a week rather than a couple of days which will also reduce the vehicle movements. In addition, Coniston Lodge will no longer offer dining or bar facilities which mean that the original planning issue relating to traffic and noise will be largely removed from this residential area.

The location of the property close to the centre of Coniston means guests will have a choice of several pubs and restaurants in easy walking distance, benefiting local trade.

In terms of access to and within the individual apartments, little will change. They are both located on first floor level and without the installation of a lift, which would be uneconomic, there is little that can be done to improve the existing situation. At the moment all requirements for fire and safety are complied with and the property holds a fire certificate.
5. Planning Policy

We acknowledge that this application is contrary to Policy H20 of the Structure Plan and H5 of the Local Plan in that it does not propose to provide residential units for local occupancy or affordable purchase/rent.

Coniston Lodge is an established enterprise and has been trading for twenty years. Policy EM16 of the Structure Plan permits tourism development where it does not contravene the statutory purposes of the National Park and where it does not result in the loss of important tourism accommodation, which this doesn't.

This proposal seeks to develop a business in line with today's visitor requirements while providing sustainable employment and returns to the owners. Although there would be a minor reduction in the number of bed spaces, longer stays would be likely to result in similar occupancy rates. In terms of employment, little would change as the applicants undertake the majority of the work as it stands. This proposal in terms of the balance of different types of holiday accommodation in the area would make no significant difference.

Another consideration when looking at this application is whether the accommodation section of Coniston Lodge would readily convert into suitable housing units for local people. Although it is well located in a residential road in easy walking distance to the village, the following reasons make it impractical:

a. The building has access through common areas, both vehicular and pedestrian shared with the owners' private house and would be complicated to divide and provide privacy for each party.

b. The accommodation is at first floor level, accessed by stairs, with no directly accessed amenity space, making it unsuitable for young families and or elderly couples.

c. The modular construction method of a building of this age makes it uneconomic to convert to meet the requirements of current building regulations and those required by a Housing Association.

In addition, since the last Housing Needs Survey was undertaken in Coniston, many of the 60 people who signed up are now not resident in Cumbria and much progress has already been made in the provision of accommodation. Twenty five units have now been granted planning permission and when constructed are likely to meet the majority of the demand. All these are new build and will provide a far more attractive solution to any that could be provided at Coniston Lodge. In these times of uncertain economic stability it would be prudent to establish the true demand for these properties before increasing supply.
6. Summary

i. Coniston Lodge is a successful private hotel run for 20 years by the applicants and now requires minor internal alterations to provide managed apartments in line with today's tourist requirements. This will secure its future.

ii. Coniston Lodge is located in a residential road within easy walking distance of the village centre where there are a range of tourist facilities.

iii. Mr and Mrs A Robinson have lived in Coniston all their lives and would like to remain in the community where they have brought up their own family and established a successful business.

iv. Current Planning Policies encourage new housing for the retention of local people which should also encompass changes in family circumstances and the adaptation of existing family homes/businesses to suit the changing needs of the occupants.

v. This proposal involves no changes or additions to the external fabric of the building, but will result in changes to the internal structure making it more energy efficient to run.

vi. The proposal reduces the bedspace capacity and will reduce traffic and noise helping it integrate better within its residential setting.

vii. The section of the property to be converted could not readily be spilt to provide good quality accommodation relevant to local Planning Policy housing requirements.

viii. With several Planning Permissions granted for local housing, there will soon be a potentially adequate supply to fulfil local needs.

ix. In today's economic downturn with a stagnating property market, low interest rates and diminishing pension funds, the option of selling the property and the business and living off the capital is a highly risky one and unlikely to provide a income which could sustain the Robinson's throughout their retirement years.

In conclusion, why should not a couple reaching retirement age who have been resident for all their lives in Coniston be allowed to take this opportunity to make a small adjustment to their business to enable them to reduce their working hours and remain in their family home whilst being able to still generate a small income to sustain them throughout their retirement years.
Application no: 7/2009/5225
Applicant: Mr A. Piper
Date of Application: 8 May 2009
Type of Application: Full
Location: Sun Hotel, Coniston, LA21 8HQ
Grid Reference: 330036 497611 See Plan
Proposal: Change of use of nine hotel bedrooms, 2 lounges and conservatory to self-catering unit
District Council: Refuse See letter
Parish Council: See letter
Highway Authority: See letter

RECOMMENDATION: REFUSE for the following reasons

REPORT:

1 BACKGROUND AND PROPOSAL

1.1 I am reporting this application to Committee because it is a proposal which raises similar policy issues to another application in Coniston on this agenda at Coniston Lodge Hotel (7/2009/5179) and I consider it appropriate that Committee consider both proposals. The application also represents a departure from the Development Plan.

1.2 The Sun Hotel is about 120m west of the centre of Coniston on a large site providing on site parking, landscaped garden, 9 letting bedrooms and staff accommodation. The hotel is open to the public for dining and bar facilities and occupies a prominent location readily visible from several locations in the village and the adjacent highway which has a high pedestrian footfall to access nearby fells.

1.3 The proposal is for a change of use of the nine hotel bedrooms, 2 lounges and conservatory to a self-catering holiday unit. The remainder of the building would be retained as bar and restaurant, with kitchens and staff accommodation and would cease to be a hotel in the normal sense of providing serviced accommodation. No external changes are proposed and the car park would be shared between the bar/restaurant and self-catering holiday let.

2 REPRESENTATIONS

2.1 One letter of representation has been received and the points made are summarised as follows:
  • The aim is to attract large parties on celebration weekends etc.
2.2 Coniston Parish Council recommend refusal. Councillors were dismissive of the claim for a significant demand for self catering because the demand has largely been met by conversion of bed and breakfast establishments in the village. There is a historical and celebrity connection of the Sun Hotel to the Campbells and the Fell and Rock Climbing Club. Councillors were of the opinion that the change of use could not be justified on economic considerations.

3 POLICY AND ASSESSMENT

3.1 The relevant North West of England Plan Regional Spatial Strategy to 2021 policies are:
- DP7 (Promote Environmental Quality)
- RDF2 (Rural Areas)
- W6 (Principles of Tourism development)

The relevant extended Cumbria & Lake District Joint Structure Plan 2001-2016 Policies are:
- H20 (Housing in the Lake District National Park)
- EM16 (Tourism)

The relevant saved Lake District National Park Local Plan Policies are:
- H2 (Housing in larger settlements)

Also relevant to the determination of this proposal is the Good Practice Guide on Planning for Tourism.

3.2 There are two main issues to consider in the determination of this application:

- Would the proposal satisfy Policy EM16 of the Structure Plan that seeks to safeguard serviced accommodation and if not are there any material considerations to indicate that the application could be approved contrary to this policy?

- Does the proposed development accord with Policy H20 of the Structure Plan and H2 of the Local Plan (housing policies) and if not are there any material considerations to indicate that the application could be approved contrary to this policy?
Would the proposal satisfy Policy EM16 of the Structure Plan and if not are there any material considerations to indicate that the application could be approved contrary to this policy?

3.3 Policy EM16 of the Structure Plan indicates changes of use or conversions which result in the loss of important tourism accommodation will not be permitted unless they are demonstrated to be unviable. The policy also states that tourism development within the National Park will only be permitted where it would not result in loss of serviced accommodation to other tourism uses.

3.4 The Sun Hotel is important tourism accommodation because:
- it contributes to the role and attractiveness of Coniston as a tourist centre
- it is significant as part of a range of tourist accommodation options in Coniston
- of the character and history of the building
- employment opportunity

Although the part of the Sun Hotel comprising bar and restaurant would remain in my view the proposal would still result in the loss of important tourism accommodation.

3.5 Appendix 1 contains information from the applicant about the business. Although it appears that the current operator is not experiencing business success I am not persuaded that the information amounts to evidence that the Sun Hotel is unviable as required by Policy EM16.

3.6 Although the proposal is housing it is proposed to be occupied by holiday visitors which is a form of tourist use and it is clear that the conversion would result in a loss of serviced accommodation, which is safeguarded by Policy EM16.

3.7 I am not persuaded that the personal circumstances of the applicant are sufficient to outweigh policy.

Does the proposed development accord with Policy H20 of the Structure Plan and H2 of the Local Plan and if not are there any material considerations to indicate that the application could be approved contrary to this policy?

3.8 Policy H20 of the Structure Plan states that housing development will only be permitted where the development is of a scale and type designed to contribute to the housing needs of the locality, as defined in the Supplementary Planning Document on Demonstrating Housing Need. Policy H2 of the Local Plan indicates that housing development within larger settlements will only be permitted where all of a series of criteria are satisfied including that the development is designed to meet the housing needs of the locality and a planning obligation is secured to ensure that occupancy of the dwelling is confined to local persons in
perpetuity. All planning applications must be determined in accordance the Development Plan unless material considerations indicate otherwise.

3.9 The proposal is for a large 9 bedroom self contained holiday unit and although providing holiday tourism accommodation, it is still a form of housing development, and therefore the proposal must be considered against Policy H20. As a matter of law, self contained holiday accommodation is a self-contained dwellinghouse. The accommodation provides facilities required for day-to-day private domestic existence. It is entirely self-contained with kitchen, washing and sleeping facilities. This legal status as a house is not altered by the imposition of occupancy restrictions or by the collective management of the unit as some form of tourism accommodation business. The 9 bedroom self contained holiday dwelling is clearly not designed to meet the housing needs of the locality due to its size, it is specifically for holiday accommodation, and so on this basis would be contrary to policies H20 and H2.

3.10 Whilst a 9 bedroom unit would not meet the housing needs of the locality, the building could be subdivided to provide smaller units. There is an outstanding need in Coniston for housing to meet local needs and this building could provide such accommodation. Its proximity to the bar and restaurant would not preclude such a use. A change of use to self catering holiday unit would be a lost opportunity to provide local housing in a village where there is a high identified need.

3.11 Coniston has a very high percentage of second homes and homes in holiday lets which at the 2001 census was 43% but this has increased and now stands at about 52% (information from Parish Council survey). Although this does not specify those that are available for letting it is unlikely there is a shortage of self catering holiday lets in Coniston to warrant setting aside the housing policy (particularly given the number advertised in the locality).

3.12 In my opinion there are no material considerations which warrant approval of this proposal contrary to this policy.

Other Issues

Residential amenity

3.13 The proposal for change of use from 9 hotel letting bedrooms to a 9 bedroom self catering holiday unit would have no material change in terms of the impact on neighbouring properties from noise or disturbance or traffic generation as the same number of bedspaces are proposed. There is nothing to suggest that a single large group of people staying at the property would be likely to create any additional disturbance than individuals or couples but I understand that it could be perceived as such it is likely that a hotel would have more control over behaviour.

Highway safety

3.14 The proposed self catering unit would use the existing car park and should not result in any more traffic to the site or requirement for parking
than the existing use but may even result in less if groups arrive in mini buses.

4 CONCLUSION

4.1 This proposal is contrary to tourism and housing policy and I do not consider that there are sound planning reasons to set aside these policies. I anticipate that the applicant or agent will wish to speak to the Committee at the meeting.

Committee is recommended to:

REFUSE for the following reasons

1. The proposed development would result in loss of important tourism and serviced accommodation and would therefore be contrary to Policy EM16 of the Cumbria and Lake District Joint Structure Plan 2001-2016 which seeks to safeguard this type of accommodation.

2. The proposed development of a self contained holiday unit would be contrary to Policy H20 of the Cumbria and Lake District Joint Structure Plan 2001-2016 as implemented through the Supplementary Policy Document on housing need which requires all new housing development to contribute to the housing needs of the locality and Policy H2 of the Lake District National Park Local Plan which requires accommodation to meet local need.

BACKGROUND PAPERS: Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.
1. Background

1.1 The background to this application is fully set out in the attached note prepared by the current owner and occupier of the hotel, and this set out the reasons why he wishes to convert the letting side of The Sun premises, together with some downstairs rooms, to form a large self catering unit for which he is confident there is a significant demand in Coniston.

1.2 That report sets out the history of The Sun and the nature of the two separate parts of it, one part being an old inn which is a successful public house with a meal trade, and the other part being a much less successful hotel with rooms that are not up to current expectations and are extremely difficult to modify to bring them up to such expectations.

2. Planning Policy

2.1 Policy T16 of the Cumbria and Lake District Joint Structure Plan allows for tourism development in the National Park but it does have one paragraph which seeks to prevent the loss of serviced accommodation, though the text associated with that paragraph talks in terms of the loss of the hotel to another use, rather than the modification of one part as in this instance.

2.2 It also talks in terms of the proposal being resisted where the hotel is the only one in the locality. That is clearly not the case in Coniston which has a number of hotel establishments.

2.3 That same text talks about a balance of uses though there is no indication at all as to how that balance is struck. The proprietor, for instance, recognises that he falls between two stools, neither being part of the quality hotel range of which there are many examples in the Lake District, nor being part of the ordinary bed & breakfast range. Running a nine-bedroom establishment which requires to be staffed at times when the public house, which is the main generator of income, is not operating is expensive and results in a considerable number of hours that have to be paid to staff which would not have to be paid if the premises were being run on a self catering basis. This does not mean that there will be fewer staff, because those who run the hotel side of the operation at present are also employed in the bar and meal trade which occupies the greater part of the time when the premises are open.

2.4 On the other hand, he is well aware from the experience of others, including his letting agent and friends in Coniston, that there is a demand for the larger self catering unit where extended families and groups of families and couples tend to holiday together. He believes that he can meet what is a recognised need in the National Park and that he can do so, quite crucially, without taking away residential accommodation that would otherwise be available to local people.