LAKE DISTRICT NATIONAL PARK AUTHORITY

DEVELOPMENT CONTROL COMMITTEE – WEDNESDAY 2 DECEMBER 2009

REPORT BY THE HEAD OF DEVELOPMENT MANAGEMENT

PLANNING APPLICATIONS

ALLERDALE BOROUGH COUNCIL (YELLOW SHEETS)
Application no: 7/2009/2122
Applicant: Trustees of Keswick Masonic Hall
Date of Application: 7 May 2009
Type of Application: Full
Location: Masonic Hall, St. Johns Street, Keswick, CA12 5AP
Grid Reference: 326781 523319 See Plan
Proposal: Extension to dining room
District Council:
Parish Council: See report
Highway Authority:

RECOMMENDATION: APPROVE with conditions

REPORT:

1 BACKGROUND AND PROPOSAL

1.1 I am reporting this application to Committee because my recommendation conflicts with the recommendation of Keswick Town Council and also because my recommendation is different to a previous decision for a similar proposal on the same site. Committee deferred a decision at the 4 November meeting in order to carry out a site inspection.

1.2 The Masonic Hall on St John’s Street Keswick has its main entrance at the front but its function rooms and a bar area are located mainly behind the main street, facing into a tightly confined residential area comprising flats above shops and larger dwellings.

1.3 Directly adjacent to this residential area is a small yard area onto which the hall’s function room opens. It is proposed to build an extension to the function room and bar by building on this yard area as well as providing a fire escape and adjoining bin storage.

1.4 The extension would be of single storey height with a footprint of 8.5 metres by 4.5 metres. It would have three small high level windows and would have a sheet metal roof concealed by a parapet wall. Finished materials would be rendered walls with a slate roof to the small bin store.

1.5 A previous application (7/2008/2144) was refused for the following reason:

The proposed extension to a function room and bar given the clear potential for increased frequency of use, size and attendance of functions would be likely to cause harm to the amenities of neighbours within the immediate vicinity of the Masonic Hall,
Keswick over and above that which is already caused by late night functions.

1.6 The detail of the proposal has also been revised as follows:

- clarification that three high level windows would be triple glazed and non-opening
- removal of a porch area outside of the fire escape
- removal of a larger window in the side elevation.

2 REPRESENTATIONS

2.1 Keswick Town Council recommended approval of the original application subject to the design limiting noise nuisance to neighbours and other changes to the design. They have objected to this application on the following grounds:

The development is close to neighbouring properties and is larger than the existing. This will impact on the neighbouring properties and the environment generally.

2.2 We have received objections from three neighbours. Those material grounds for objection can be summarised as follows:

- Query as to whether this application is materially different to that which was previously refused
- Clear potential for increased frequency of use and numbers
- Over development of the Masonic Hall closer to neighbouring properties
- Current parties at the venue are a nuisance, the extension will allow these to be larger
- Noise and nuisance from the opening of windows and doors and people smoking, drinking and collecting outside the building close to neighbouring properties.

2.3 Correspondence with one of the objector’s solicitors has focussed on the objector being unwilling to grant a right of access over his land to build the extension or to allow access from the fire escape out of the yard area or for access to the bin store. The applicant disputes the objector’s ownership of this land. This is an entirely private and legal matter beyond the remit of the planning process and is not a material planning consideration. I have accordingly made no reference to it in my assessment of the proposal.

3 POLICY AND ASSESSMENT

3.1 The following policies form the development plan for the framework against which this proposal will be assessed:

North West of England Regional Spatial Strategy:

- Policy DP7 (Promote Environmental Quality)
Lake District National Park Local Plan (saved policies):

- Policy NE2 (Development of Larger Settlements)
- Policy BE11 (Conservation Areas)

3.2 The considerations in this case are entirely site specific in relation to the impact upon neighbours and have no direct policy considerations.

**What are the objections to the proposal and what houses would be affected?**

3.3 The Masonic Hall shares this back street area of Keswick with a number of residential dwellings. The hall holds private functions and this proposal would improve and extend the facilities on offer. The main dwelling to be affected would be 13 St John’s Street as the house is in close proximity to the yard on which the extension would be built. We have received objections from the owners to whom it is alleged nuisance is already caused when functions continue late at night. This is due to the volume of music, raised voices and activity in and around the whole area as customers leave the venue. The extension would bring the function room approximately 4.5m closer to this house and within approximately 4m of several habitable rooms, including the main bedroom. Other dwellings, mainly flats, are also within close proximity of the Masonic Hall.

3.4 Objections have also referred to the fire escape door. The existing bar door opens into the yard and is used by customers who step outside to smoke. During functions this has been left open and has allegedly caused nuisance to neighbours, both from noise escaping through the open door to nuisance from customers themselves.

**Would the extension itself cause harm to amenity?**

3.5 The extension would bring the building closer to 13 St John’s Street and its windows. However, the physical mass of the building itself would cause no harm to amenity. It is not so large or so close to windows as to cause overbearing or loss of light. There are no windows in the extension which would allow overlooking and the extension would be contained behind the existing wall around the yard. The extension would have no direct impact on other neighbours.

**Is the extension likely to result in an increased nuisance to neighbours?**

3.6 The existing function room has two large single glazed windows with large opening panels, a single glazed door and a wooden door which is currently used as a fire escape. The proposed extension would remove all of these openings replacing them with three small triple glazed, high level non-opening windows and a fire escape door. Therefore whilst the extension would be physically closer to neighbours, the potential from noise nuisance from inside the building would be considerably reduced.
3.7 A canopy over the fire escape door present in the previous application has been removed to make the area less inviting for smokers and the applicants have agreed to a condition which would restrict the use of the fire escape door to those times it was needed in an emergency or for fire drills. This would prevent the use of the door during functions and would mean that customers would not be able to leave by this door or use it for access outside during a function. Therefore the only exit would be at the front, on the opposite side of the building to the neighbours.

3.8 I have consulted both the Licensing Department and Environmental Protection Department at Allerdale Borough Council. They have no record of any complaints against the Masonic Hall nor do they have any specific objections to this proposal. If the extension is granted planning permission then the premises will require a new licence. This process would allow the views of neighbours to be considered and a licence granted which was appropriate to this location in terms of the amount, frequency and length of events that were allowed. In addition any new licence would include a new condition to control the behaviour of customers as they left the function.

3.9 I sympathise with the objections of the neighbours but in the light of the advice from Allerdale Borough Council and the proposed revisions to the previously refused application I consider that the proposal will reduce the scope for nuisance to be caused to neighbours by reducing opportunities to use the outside space, improving the sound insulation properties of the building and bringing the one door that remains under the control of the Local Planning Authority. I therefore must conclude that there would be a neutral or positive impact on the amenities of neighbours and therefore in this respect, the proposal is acceptable.

Is the design of the extension acceptable?

3.11 The Masonic Hall is not widely open to public view but is within the Keswick Conservation Area and like all proposals must demonstrate good design. The proposed flat roof extension is small scale and functional in form. It would integrate well with the existing building and preserve the character and appearance of the area. The use of materials is consistent with the existing building. The extension would maintain the character of the Keswick Conservation Area in conformity with Policy BE11 of the Local Plan and Policy DP7 of the Regional Spatial Strategy.

4 CONCLUSION

4.1 Although a similar application has previously been refused I consider that the amendments to this scheme together with the recommended conditions as well as the reassurances of the responses received from Allerdale Borough Council's Licensing and Environmental Protection departments means that there are significant positive changes to the proposal which would now justify a recommendation of approval subject to conditions.
4.2 For the reasons given above I consider that my recommendation will be one of approval with conditions. However at the time of writing the precise wording of the conditions is being agreed with Allerdale Borough Council.

**Committee is recommended to:**

APPROVE with conditions

1. The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

**REASON:** Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

2. The door in the ‘proposed elevation to lane’ of the extension hereby permitted and detailed on the submitted drawing (ref: 200.8.269.02A) received by the Local Planning Authority on 14 July 2009 shall not be opened between 6pm on any one day and 6am on the following day other than for access and egress purposes in the event of an emergency.

**REASON:** To prevent noise disturbance to nearby residential properties.

3. The door in the ‘proposed elevation to lane’ of the extension hereby permitted and detailed on the submitted drawing (ref: 200.8.269.02A) received by the Local Planning Authority on 14 July 2009 shall be fitted with a self-closing mechanism to ensure that the door remains closed at all times other than when being used by persons entering or leaving the building. The self closing mechanisms shall remain operational at all times and the door or mechanisms shall not be held open by any object at any time.

**REASON:** To prevent noise disturbance to nearby residential properties.

4. Prior to the first use of the extension hereby permitted a detailed noise assessment and a scheme for attenuating noise in relation to neighbouring properties shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in its entirety before the use of the extension commences.

**REASON:** In the interests of the amenities of nearby residential properties.

5. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be carried out otherwise than in complete conformity with the submitted plans as amended by the drawing (No: 2008.269.01a & 2008.269.02A) received by the Local Planning Authority on 14 July 2009.
REASON: For the avoidance of doubt.

Summary of Reasons for Approval

The proposed extension is of a small scale in the context of the floor space of the existing Masonic Hall and the proposed design would maintain the character of the Keswick Conservation Area. Subject to the conditions imposed, the improved sound insulation properties of the building and the assurances of Allerdale Borough Council's Environmental Protection and Licensing Departments it is considered that the proposal would not harm the amenities of neighbours and would conform with the relevant development plan policies, in particular Policy DP7 of the Regional Spatial Strategy and Policy BE11 of the Lake District National Park Local Plan.

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.
Application no: 7/2009/2235
Applicant: Derwent & Solway Housing Association
Date of Application: 2 October 2009
Type of Application: Major full application

Location: Derwent Close, Keswick, Cumbria, CA12 5DR
Grid Reference: 326528 523472  See Plan

Proposal: Demolition of existing 2 storey, 20 bedsit, sheltered housing scheme. Construction of new 26 unit residential development and associated external works

District Council: 
Parish Council: Object. Out of keeping due to scale and overbearing nature.
Highway Authority: Grant/approve with conditions

RECOMMENDATION: Head of Development Management will report

REPORT:

1  BACKGROUND & PROPOSAL

1.1 I am reporting this application to committee for the following reasons:

- A pre-committee site visit has been carried out on my recommendation.
- Keswick Town Council have objected to the proposal.
- Substantial objections have been received.

1.2 This application by Derwent and Solway Housing Association proposes the demolition of a 1960s sheltered housing building on Derwent Close in Keswick and its replacement with a new development of social rented housing.

1.3 Derwent Close is located close to Keswick town centre, in the north west corner of Market Place and connects the centre of the town with Heads Road leading to Borrowdale Road. It lies adjacent to Central Car Park and provides the most immediate thoroughfare for tourists and locals into the town. On one side of the road lies Police Court Yard, a row of Grade II listed stone cottages and opposite is the existing sheltered housing building which was built by Allerdale Borough Council in 1962.

1.4 The building is a long, narrow, flat roofed, two storey building. It fills the length of the site (approximately 70m) but is a narrow building set back from the pavement by approximately 10m. There are 20 individual bedsits in the building with a shower and bathroom per floor. The building is currently empty as the housing association have relocated existing residents into other
properties over a number of years. The existing building offers a poor standard of accommodation for residents and the housing association wish to replace it.

1.5 The proposed building is three storeys in height with the second floor partly contained in the roof space. Although one single building, it is broken up into projecting gables and recessed frontages. It has two ground floor entrances, one directly onto Derwent Close and one at the corner of the site opening onto Heads Road. It would provide 26 flats over three floors, balconies to most flats and an amenity and drying area to the rear.

1.6 The proposed design makes considerable use of both traditional and more modern materials. The roof would be of local slate with walls a mixture of render, local stone and timber weather boarding. The building also uses large areas of glazing as well as renewable and sustainable energy sources such as photo-voltaic panels and a rainwater-harvesting system.

2 REPRESENTATIONS

2.1 Keswick Town Council have objected to the proposal. Their grounds for objection, in full, are:

Out of keeping due to scale and overbearing nature. Pitched roof plus a further storey make the impact too great in this area. We welcome the redevelopment of the site although concerns regarding larger footprint and loss of green space.

2.2 At the time of writing we had received 16 individual letters of objection. Three of these are a pro-forma and three others are from the same household. There are no objections to the principle of replacing the building. Objections can be summarised as follows.

- Lack of parking provision for increased occupancy
- Scale of the building
- Coverage of the site and resultant loss of green space
- Building will block the view of the mountains from Market Place
- Design – not very original, missed opportunity
- Overshadowing and loss of light from cottages opposite
- Disturbance of the bat roosts
- Disruption to local business during construction
- Health hazards from building work
- Does not maintain the distinctive character of the town
- Caters for only one type of housing

2.3 We have received a letter of objection from Keswick in Bloom who object to the loss of the lawn and flower beds in front of the existing building.

2.4 Friends of the Lake District have written with concerns about scale, dominance and loss of open space to the front of the building. However they are generally supportive of the scheme.

3 POLICY

7/2009/2235
3.1 There is a range of planning policies which are relevant to this proposal. Those central to the consideration of the proposals are discussed in my assessment. The following policies of the North West of England Regional Spatial Strategy are most relevant to this application:

- Policy DP 1 Spatial Principles
- Policy DP 2 Promote Sustainable Communities
- Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
- Policy DP 7 Promote Environmental Quality
- Policy RDF 1 Spatial Priorities
- Policy L 4 Regional Housing Provision
- Policy L 5 Affordable Housing
- Policy EM 1 Integrated Enhancement and Protection of the Region’s Environmental Assets

The following extended policies of the Cumbria and Lake District Joint Structure Plan 2001-2016 are relevant:

- H20 (Housing in the Lake District National Park)
- E38 (Historic environment)

The following saved policies of the Lake District National Park Local Plan are also relevant:

- NE2 (Development of Larger Settlements)
- H2 (Housing in Larger settlements)
- BE1 (Roof and Wall Materials)
- BE11 (Conservation Areas)

Planning Policy Statements and Guidance (PPS and PPG) give expression to national government planning policy and those relevant to this application are:

- PPS 1 (Delivering Sustainable Development)
- PPS 3 (Housing)
- PPG15 (Planning and the Historic Environment)

3.2 Although the proposal presents a range of issues for consideration the design of the proposed building is the key issue and forms the basis of my assessment. My assessment refers to a variety of locations in the vicinity of the site. A plan showing these key places can be found at Appendix A.

4 ASSESSMENT

Would the development be in accordance with our housing policies?

4.1 Policy H20 of the Structure Plan restricts all housing development in the National Park to that which is designed to contribute to the identified housing needs of the locality. Need is normally demonstrated through a housing
needs survey. A survey was carried out for the Keswick area in November 2005 and identified a wide range of housing need.

4.2 The housing needs survey identified a need for a large number of rental properties. Recent planning permissions have been granted to meet some of that need but there remains a large outstanding need for 1 and 2 bedroom properties for rent. The majority of the scheme is made up of replacement units and therefore the net addition to the affordable housing stock from the scheme is only 5. However, both the replacement units and the new units will make a contribution to Keswick's housing needs. The proposal for mainly two bedroom flats would address the identified outstanding need directly.

4.3 Subject to an appropriate Section 106 Legal Agreement I consider that the proposal would contribute to the identified housing needs of Keswick, remain affordable in perpetuity and conform with Policy H20 of the Structure Plan and also with Policy H2 of the Local Plan which requires all housing in Larger Settlements to meet the housing needs of the locality. The proposed manager's accommodation is housing development in its own right but could be incorporated into the Section 106 Agreement to restrict its use and prevent it from becoming an open market dwelling.

Is the site suitable in principle in all other respects?

4.4 Government housing policy set out in PPS3 is to “ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure”. This is reflected at a regional and local level by the direction of development to larger settlements where services and infrastructure already exist and the presumption is in favour of the development of previously developed land.

4.5 Consequently, within the National Park significant development is directed to our Larger Settlements as defined by the Local Plan. The site is within the development boundary of Keswick and well related to the existing built form of the town, key services, public transport links and jobs. It is also a previously developed site which is in line with the sequential approach to housing sites advocated by Government guidance in PPS3.

4.6 A sustainable location on previously developed land should be a top priority for the development of new housing and this site would fulfil both criteria. It would also conform with regional guidance in promoting sustainable communities and reducing the need to travel.

Is the design of the building acceptable; its form, scale, detailing and use of materials as well as in response to its setting, the listed buildings and conservation area?

4.7 Given the acknowledged importance of design with this proposal I have broken my assessment into separate sections and have incorporated the views of consultees, objectors and specialists at the relevant points.
4.8 Design guidance for the National Park is to be found at the regional and national level. PPS1 advises that good design is indivisible from good planning, that local distinctiveness should be reinforced and that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. It also advises that local planning authorities should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative.

4.9 Policies DP7 and EM1(B) of the Regional Spatial Strategy in partnership with the North West Best Practice Design Guide promote good quality design which respects its setting and encourages integration with the historic environment of the region through appropriate design as well as respect for landscape setting.

Pre-application and the design process

4.10 Design is the key consideration with this proposal. There are few other individual sites in Keswick that are so prominent, so large or which play such a significant part in the town's built environment. The existing building is well known for the wrong reasons. It is in a central location, adjacent to Central Car Park and is the first building that many visitors will see when they arrive in Keswick. Visitors walk immediately along the entire frontage of the building to get to the town centre. Next to such an important arrival point the existing building has very little architectural merit, no local distinctiveness or character and provides a poor first impression of Keswick and of the built environment in the National Park.

4.11 Although the chance to replace this building is an exciting opportunity we must be certain that the design approach taken is the right one, particularly when there is such a significant increase in the scale of the building and it has such an expansive frontage of 70m in length, entirely at odds with the narrow plots and frontages which characterise the traditional core of the town.

4.12 Partly as testament to the importance of the site this application has been subject to pre-application discussions with the housing association and their architects for over 2 years. Various iterations of the design have been produced which have had to address a range of constraints. Along with the constraints of the site itself; the proximity to the conservation area, the public views of the building, the listed buildings and the amenities of neighbours the architects have also had to respond to the requirements of the housing association who have a minimum requirement of units needed to make the scheme viable.

4.13 Over the two year period a range of schemes were produced. Although we recognised the ability of the site to take a more contemporary design and encouraged this approach, none of the solutions presented fulfilled our requirements for the site. Particular concerns related to the scale, the need to break up a very long horizontally emphasised frontage and the need to better reflect and integrate with the conservation area setting.

Places Matter - Design Review
4.14 In order to gain consensus and progress the design we encouraged the applicant to submit the proposal to Places Matter, who bring together various organisations in the north west to help to promote and improve the quality of the built environment working with CABE (the Government’s adviser on architecture) English Heritage and RIBA North West. Places Matter run the Northwest Design Review Panel, a monthly panel consisting of experts from a range of fields, including architecture, planning and urban design. The panel aims to improve the quality of new development proposals by offering constructive, impartial and expert advice to developers, planning authorities and regional agencies on development schemes.

4.15 The panel met to discuss the scheme in July 2009. The outcome was very positive with the panel providing some clear guidelines for the site and rejecting a controversial curved roof design which was being considered. Feedback focused on the downplayed entrances, relentless roofscape, overbearing fourth floor, horizontal emphasis and the need to break down the building into smaller elements. Scale was and continues to be a major concern with the panel commenting that this is "an enormous amount of development on a small site which its current iteration overwhelms the surrounding area. If this is absolutely essential then it becomes a question of how to lessen its impact". The feedback of the panel can be found at Appendix B.

4.16 The architects immediately responded to this feedback producing a scheme with completely revised the elevations whilst keeping the internal layout and number of units in line with housing association’s requirements. The revised scheme had three storeys, a pitched roof, a vertical emphasis with projecting gables used to break down the massing of the building and a mixture of materials used. Long, horizontal balconies were removed and replaced with smaller individual balconies which appear as features rather than dominating the frontage. The Design Review panel offered further desk based feedback on the updated proposal (Appendix C). This additional feedback was received in August 2009 and noted several positive revisions but still had concern about the unrelieved roofscape, the transition in scale at the Market Place end and the seemingly arbitrary use and division of materials.

4.17 After making some further amendments based on these comments, the application was submitted at the beginning of October.

Form

4.18 Although contemporary in its design and detailing the form of the current proposal is essentially traditional with a series of projecting gables, reflecting the predominantly Victorian built form of the centre of Keswick. This is reinforced with a local slate roof which will have a significant role in ensuring the large scale of the building integrates with its setting.

4.19 The current proposal has responded to concern about a long, unbroken frontage with a horizontal emphasis by breaking the building down vertically with stepped gables and frontages. With a building of 70m in length this was an essential revision and one which I believe is successful. Our Built
Environment and Conservation Adviser recognises the positive progress that has been made on the design, in particular the rhythm created by the repeated gable features but still has concerns about the design which are detailed below.

**Scale**

4.20 Some of the original proposals incorporated a fourth floor. This was of significant concern. A building with a fourth floor and a pitched roof would dominate the site and other roof solutions had previously been rejected. There are important views of Skiddaw from Heads Road over the top of the existing building and a building any taller than the existing has the potential to impact on these views. However, buildings on Market Place display a wide variety of scales, many are higher than the proposed building.

4.21 The proposal relates most immediately to a sandwich shop on the corner of Derwent Close. It is a typical Victorian design with a large timber oriel window. The proposal has taken this building as its reference point and although it steps up to a greater height, it has been kept at a similar height where it is most closely related. Overall the building is comparable in height to the majority of buildings on Market Place. The main impact therefore is introducing a three-storey building along Heads Road where none currently exists. However, there are variety of building heights along Heads Road ranging from two storey retail units to bungalows. Given this context and considering how the building is broken up along its frontage the increase in scale is acceptable in my opinion. A three storey building with slate roof would increase the scale of the building considerably but would not cause harm to existing public views or to the character and appearance of the town at this point.

4.22 Our Built Environment and Conservation Adviser remains concerned about the unrelieved roofscape, the overall scale and massing of the building and its overbearing presence.

**Detail**

4.23 Previous schemes had responded to the long and narrow site with a long building with horizontal emphasis. This was something which it was important to avoid as it highlighted the problems with the site and the ways in which it was at odds with the general character of development in the town. The current scheme has a vertical emphasis to the gables and frontages and better reflects the buildings of the conservation area, their finer grain and their sometimes intricate detailing. Most successful in my opinion are the smaller balconies which punctuate the frontage and provide prominent features of interest. Balconies on previous schemes were enclosed, set back and were one of the main reasons that the main elevation appeared horizontal in emphasis.

4.24 Comments from our Built Environment and Conservation Adviser concern the amount of detail which in his opinion compromises the positive amendments made by the projecting stepped gables. I share these concerns and have elaborated on these in the next section covering materials. Other
comments relate to the poorly indentified front entrance, the lack of detail to the windows which appear blank and uninteresting and the lack of detailing to the gable end adjacent to the sandwich shop and Market Place.

Materials

4.25 A range of materials are proposed. Importantly, the majority of materials are locally distinctive and can be found in most nearby conversation area buildings. These have been supplemented with more modern materials including large areas of glazing and low maintenance materials such as timber weather boarding, particularly evident on the balconies. A local slate roof and large areas of local stone to the Heads Road end and the Market Place end reference the conservation area and tie the building to the character of the town in a way that the existing building does not do.

4.26 I still have serious concern over the amount of different materials and the way in which it is intended to use them, particularly where stone, timber boarding and two types of render meet. There does not seem to be any justification for the ‘L-shaped’ division of materials which itself is arbitrary and lacks consistency. This is a concern shared by our Built Environment and Conservation Adviser who likens the approach to using materials as wallpaper rather than defining the form of the building.

4.27 I am expecting a detailed justification from the architects on this point and so cannot conclude on the matter of materials until we have this information. A more obvious approach would seem to be the consistent use of one material on each part of the building. If the proposed approach is one that we are ultimately comfortable to agree to then it will be essential to obtain large scale detailed drawings to ensure that we are certain how such an approach will work.

Impact on open space

4.28 There is concern from objectors, from Friends of the Lake District and from Keswick in Bloom about the loss of the lawns and flower beds at the front of the existing building. However, this area was identified at an early stage as having little amenity value either visually or in terms of recreation. In fact a key requirement that we set for the scheme was to reduce the wide expanse of Derwent Close and create a building which would guide visitors down to the Market Place and better reflect the tighter more compact layout of development in the rest of the town. Narrowing the scale of Derwent Close allows the building to be articulated at the human public scale and will lead to a feeling of spatial enclosure not currently present.

4.29 The lawn area currently has no definition between public and private space and consequently is used by neither residents nor the public. Important open space should be maintained, however where such an area makes little contribution and there are significant opportunities to be had from its development, its loss should be positively considered.

Impact on the setting of the nearby listed buildings

7/2009/2235
4.30 The Police Court Yard Cottages are Grade II listed. They are stone and slate cottages of modest proportions and simple design and pre-date the majority of Victorian development on Market Place. The buildings appear isolated and out of context surrounded by both grander Victorian buildings to one side, 1960s concrete buildings and the large Central Car Park to the other.

4.31 Potential impacts on the listed buildings come from the increased scale of the proposed building, its increased proximity and the design itself. I have concluded above that although the scale is considerably increased, the site and its immediate context can successfully accommodate a three storey building with pitched roof. The road is sufficiently wide that the building will not dominate the listed cottages and given the mixed context, the proposed design can be successfully incorporated. Subject to resolution of the question over materials I consider that the proposed building would make a positive contribution to the setting of the listed buildings and conform with Policy BE15 of the Local Plan, EM1(B) of the Regional Spatial Strategy and Policy E38 of the Structure Plan.

Impact on the Keswick Conservation Area

4.32 The site lies on the very edge of the Keswick Conservation Area. Its boundary runs down the front of Police Court Yard and then across the bottom of Market Place where it runs along the end of Derwent Close. The site is enclosed on two sides by the conservation area. There is a marked transition at the bottom of Derwent Close and Market Place from the traditional core of the town to the 1960s development on Derwent Close and Heads Road typified by the existing sheltered housing block. It is clear at this point why the conservation area was drawn in the way that it was (see Appendix A).

4.33 Because the building is outside the conservation area consent is not required for its demolition. Nevertheless any building on this site contributes to the character and setting of the conservation area. Policy BE12 of the Local Plan does not permit the demolition of buildings which positively contribute to the character or appearance of a conservation area. There is a clear duty to consider the impact of demolishing buildings whether inside or adjacent to a conservation area.

4.34 The existing building has few redeeming architectural qualities other than being a typical example of an early 1960s sheltered housing scheme. It does not make a positive contribution to the conservation area but rather is the exact point at which the features and townscape for which the area was designated break down and change into the varied types of development seen along Heads Road and Borrowdale Road. In my opinion there can be little doubt over the acceptability of its redevelopment. There is little argument with this principle from consultees or objectors.

4.35 Policy BE11 requires that proposals in or near a conservation area must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. To do this proposals need to respect that character and appearance of the locality by reason of scale and proportion, have regard to historic interest and architectural detailing and utilise materials appropriate to the locality.
4.36 Despite its proximity to the conservation area, as the site extends away from the Market Place its context changes markedly. The listed cottages opposite, although attractive in their own right have little in common with the three and four storey Victorian buildings in Market Place. Moving further out, development is 1960s in origin, having nothing in common with nor contributing in any way to the character and appearance of the conservation area. Given this varied context I consider the contemporary approach proposed to be an appropriate response. An entirely traditional design would not be successful in my opinion and there would be little likelihood of replicating Victorian architecture with any degree of success.

4.37 Policy requires attention to materials, historic detailing as well as scale and proportion. I consider all to have been achieved to an acceptable degree and I consider that the proposal would conform with the requirements of national, local and regional policy in relation to the preservation and enhancement of the setting of conservation areas and the historic environment contained in PPG15, Policy DP7 of the Regional Spatial Strategy, Policy E38 of the Structure Plan and BE11 of the Local Plan.

Conclusions on design

4.38 Pre-application advice on this application has been extensive and reflects the importance of this site and the impact that it will have on the built environment of Keswick. Concern does remain about the design on several grounds but I feel that some positive revisions have been made by the architects. The proposed design offers a solution which would have an acceptable impact on those interests of acknowledged importance including the setting of the Keswick Conservation Area, the setting of the listed buildings and the character and appearance of the town. The outstanding issue of materials and finishes is an important one and I hope to have more information for the meeting.

Other issues

Would there be any impact on the amenities of neighbours?

4.39 There are two main residential amenity considerations; the impact the development would have on the Police Court Yard cottages opposite the site and the impact it would have on a first floor flat on an adjacent site, above a public house.

4.40 Police Court Yard is a terrace of 12 cottages which runs parallel to the development site along Derwent Close. The cottages are set down and back from the level of the road and therefore look up at the existing development. The proposal would impact equally on all cottages. The existing building is approximately 30m away from these dwellings. The proposed building would be 20m away at it closest point. This increase in proximity of 10m would be combined with an increase in height from a two storey flat roofed building to a three storey building with a pitched roof. The existing building has an eaves height of 5m, the proposed building an eaves height of 7.9m, and an overall height of 11m at its highest point. In addition there would be balconies and
considerably more windows on this front elevation overlooking Police Court Yard.

4.41 The potential impacts are three-fold; loss of privacy due to overlooking, loss of natural daylight, overbearing from the scale and proximity of the building.

**Overlooking**

4.42 Although there would be a greater number of windows in the proposed front elevation these would all be smaller than the windows in the existing building. However, none of Police Court Yard benefits from any particular level of privacy at the moment. Derwent Close is a well used public thoroughfare and the impact on privacy of pedestrians looking into ground floor windows is all ready far greater than that which would be created by the proposed development.

4.43 The balconies are an important feature of the design and provide important open space for the flats. However they are small in size and have high timber sides. In addition none actually protrude further out than the overhang of the roof and so are no closer to the houses opposite than the building itself. Larger windows are at a higher level and will cause little direct overlooking.

4.44 The flat to the rear of the building would face small bathroom windows at a distance of 22m which can obscured glazed so would not lead to any harmful overlooking.

4.45 I do not consider that the proposed building either by reason of the increased number of windows, the proposed balconies or the proximity of the building would lead to any harmful overlooking of adjacent residential properties.

**Overbearing**

4.46 The current outlook from Police Court Yard cottages is very open. The proposed building will inevitably appear larger and closer to residents but I do not consider that this will be to a harmful degree. At a distance of 20m away, a three storey building will not be harmfully overbearing.

4.47 There are two rear projections from the proposed building into the rear garden area. One would sit directly in front of the windows of the first floor flat on the adjacent site at a distance of 22m away. As with Police Court Yard the outlook of the flat will be considerably changed but not in a way that would be harmful to amenity.

**Levels of light**

4.48 The front windows of Policy Court Yard face north east. Given their orientation I am, satisfied that there will be no impact on the level and amount of direct sunlight or daylight received by the houses from the increase in height and proximity proposed.

4.49 The rear windows of the first floor flat on the adjacent site look out over the garden area at the back of the existing building. The existing building is in
close proximity to the windows. Although taller, the proposed building would be approximately 8m further away and therefore on balance the effect would be a neutral one.

Are parking and access arrangements acceptable?

4.50 The access itself is unchanged. Some of the letters of objection have pointed to the lack of parking proposed and the current pressures on parking in Keswick. The current sheltered housing accommodation has no parking provision for its residents.

4.51 The Local Highway Authority have no objections subject to a recommended condition relating to the visibility splay at the access.

4.52 Given the objections received in relation to the parking and questions raised by Members on site, I have asked for additional feedback from the Local Highway Authority on the specific issue of parking.

4.53 There are large public car parks in close proximity to Derwent Close. Discouraging reliance on the private car is an important part of regional and national planning policy. Encouragement should be given to housing development in town centre locations where there is access on foot and by public transport to a wide range of services. More importantly the current sheltered housing has no designated parking giving us little grounds on which to insist on its inclusion in this scheme. The Local Highway Authority share these views and have no objection to the specific issue of parking.

Would the proposal cause harm to any nature conservation interests?

4.54 The application was submitted with a bat survey. The survey has identified that the existing building is home to several very large bat roosts. Two of these are soprano pipistrelle roosts, the less common relative of the common pipistrelle. The applicant's bat survey concludes that harm to the resident bat population can be mitigated for by ensuring the adequate roost provision is incorporated into the new building and that demolition takes place during specific times of the year. However, all existing roosts will be destroyed.

4.55 In accordance with the requirements of the habitats regulations we must be satisfied that the development would not be likely to have a significant effect on the nature conservation interest at the site. We are awaiting consultation responses from our Ecologists and Natural England. Without this expert advice it is impossible to comment on whether or not the application would be likely to have a significant effect on the resident bat population. I will report these specialist views and any other developments with regard to nature conservation at the meeting. Other than bats there are no other identified nature conservation interests to consider.

5 CONCLUSION

5.1 Derwent Close is a very important site in the centre of Keswick, close to the Market Place, conservation area and listed buildings. There can be little argument that replacement of the existing building will be a significant and
positive change to the built environment in Keswick but the acceptability of the proposed design is crucial. The proposal has been the subject of a significant period of pre-application discussions during which various concerns about the design have been addressed with the help of the Places Matter Northwest Design Review Panel. There are still concerns about some aspects of the design, particularly in relation to materials and I will address these matters at the meeting.

5.2 Although I consider the proposal to be broadly acceptable in other respects, the lack of expert information on nature conservation issues and the outstanding issue of materials means that I cannot recommend approval at this time. I am hopeful of resolving these issues and of being able to put forward a revised recommendation of approval subject to a Section 106 Agreement, occupancy restriction and conditions in time for the meeting.

Committee is recommended to:

Head of Development Management will report

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.
Appendix A – Location Plan

Keswick Conservation Area boundary

Market Place

Police Court Yard

Heads Road

Museum Square

Herries

Bokey

Luptons C

PH

34

32

2B

8

36

19

18

6

1/107

1/12

4/2

39

4/5

45

29

MAIN STREET

Market Place

Maidenhead Hotel

Heads Road

POSTS
Barbara Gower  
Architects Plus (UK) Ltd  
Victoria Galleries  
Viaduct House, Victoria Viaduct  
Carlisle  
Cumbria  
CA3 8AN

19th August 2009

Dear Barbara

RE: Derwent Close, Keswick (2nd Iteration)  
Internal Design Review Report, 18th August 2009

Although the building footprint has not noticeably changed, we acknowledge several positive revisions are proposed in response to our original comments made at the 14th July 09 panel meeting in Kendal. These include:

- Greater vertical emphasis in the use of the gable bays with slimmer proportions;
- Positive use of redesigned front balconies with a solid timber balustrade upstand;
- Enhanced use of the roof space in two of the top floor living areas with beneficial improvements to the fenestration pattern;
- Further development of the ground floor external spaces to provide better definition in relation to the street as well as more useable amenity to the apartments;
- Additional variation in the elevational treatment to provide further visual interest and;
- Some improvement to the street entrance with a linking pitched roof although arguably some further enhancements at ground level would provide greater presence in the street scene. These could also resolve the present privacy conflict with the adjacent bedroom without need to resort to the incongruous projecting screen wall.

However, further consideration should be given to the other key points previously raised at the 14th July 09 panel meeting in Kendal.

We have concerns about the previous unrelieved roofscape which is a direct product of the extruded unrelieved plan form. Whilst the roof has reduced in scale a little, it still
PlacesMatter!
Design Review

presents a large unrelieved expanse, with a very plain roofline (untypical in this area). As mentioned previously, we feel sure there will be a need for drain and corridor/vent/heat recovery outlets. These could create an interesting profile at roof level.

In particular a more bespoke solution is required to provide a transition in scale—in effect a step down—towards the distinctive neighbouring 'sandwich shop' building which presently marks the entrance to the conservation area. Although a narrower span is proposed, this only presently results in a marginally reduced ridge height and gable width. We are not convinced this is enough when viewed from the Market Square.

A further variation in the new balcony design might assist by introducing a new element at this end as well as in other selected locations. We mentioned 'glazing in' some of the balconies at the review to offer some variety and variation to the elevation. They, and indeed the elevations, are still looking rather predictable and dull.

The render insets with stone on the gables appear more convincing than the timber and render version which by comparison look a little arbitrary in the relative proportion and location of the two materials.

We would also still advocate a subtle but consciously different elevation design response for the two blocks that make up the proposed street frontage to help relieve the overall impact as requested in the penultimate paragraph of the Places Matter! Design review Report dated 27th July 09. The entrance is still very weak for a development of this size and we feel more should be made of it.

The staircase glazed screen on the SW elevation looks very bland and is more commercial than residential in appearance.

There is no indication yet of striving for Code for Sustainable Homes level 4.

Yours sincerely

Charlotte Myhrum
Design Review Manager

Cc.   Ben Brinicome, Derwent & Solway Housing Association
      Kevin Richards, LDNPA
      Dave McGowan, LDNPA
27th July 2009

Dear Barbara

Re: Derwent Close, Keswick
Design Review Report, 14th July 09

Thank you for bringing this project to Places Matter! Design Review. We understand that it has been in development for a long time and that it has now come to a point where a planning application needs to be made in order to secure the necessary funding. It is unfortunate that it comes to design review at this late stage.

This is a site and a town that make it very difficult to meet the brief and make this a building that does not appear too overwhelming. This is not a common typology in Keswick and therefore more needs to be done to diminish the impact of its scale on its surroundings. This does not appear to have been achieved yet and we are therefore unable to support this scheme in its present iteration.

This is clearly an important scheme for Keswick. However it is an enormous quantity of development on a small site which in its current iteration overwhelms the surrounding area. If this is absolutely essential then it becomes a question of how to lessen its impact.

Although the aspiration to scale the building to meet that of the arts and crafts sandwich shop on the corner of Market Place is justified, it will be difficult to match the shop’s quality of detail. You would achieve the most successful result by keeping your building simple but well detailed.

We are not at all supportive of the curved roof scheme shown to us and would recommend that this approach be abandoned. The pitched roof version has the potential to be far more successful and in keeping with the surrounding area. However it does present the overwhelming problem of a relentless roofscape due in part to the needed depth of the building.

It might be possible to scale the building down at the town centre end and bring it up towards Heads Road where the context is more varied, thereby breaking the roof up providing a less massive expression. We suggest you might consider building the
fourth floor in the roof space allowing for an additional storey to be removed from the project.

The entrance you have developed is incredibly downplayed and would confuse those seeking to find it. This begs the question of how the southern façade of the building and its relationship to the street frontage will contribute to the public realm as it moves towards the town centre. At present, Derwent Close creates an overly wide gap sitting alongside Market Square and anything that could be done to narrow that would help to contain the square.

As there is the overarching problem of the sewer running beneath the front of the street we suggest there might be the possibility of capturing the public realm in the front of the building and breaking it up into front gardens for the ground floor apartments, reflecting what is happening on the other side of the road. Make a virtue out of the space and give it a varied feel through individual expression.

We are not convinced by the open balconies and their value particularly with the varied climate of Keswick. It might be more beneficial to enclose these or even some of these, creating a more individual expression, and introducing some additional vitality.

The scheme is very horizontal in appearance so anything that can be done to emphasise the vertical would help, such as breaking down the gables into smaller components and creating longer windows.

In essence we feel strongly that the only way to make this an acceptable amount of development is to break the building down into smaller pieces.

Lastly, we would encourage you to aspire to Code for Sustainable Homes level 4 as it would not only benefit this scheme as it moves towards the deadline for code level 6 in 2016 but it would also benefit Keswick by providing infrastructure for future development.

Yours sincerely,

Charlotte Myhrum
Design Review Manager

Cc. Ben Brinicombe, Derwent & Solway Housing Association
Kevin Richards, LDNPA
Dave McGowan, LDNPA