LAKE DISTRICT NATIONAL PARK AUTHORITY

DEVELOPMENT CONTROL COMMITTEE – WEDNESDAY 4 MARCH 2009

REPORT BY THE HEAD OF DEVELOPMENT MANAGEMENT

PLANNING APPLICATIONS

ALLERDALE BOROUGH COUNCIL (YELLOW SHEETS)
Application no: 7/2009/2013
Applicant: Mr Tomlins Executors of Dr A G McKenzie, Edwin Coe LLP
Date of Application: 15 January 2009
Type of Application: Full
Location: Bridge End House, Calbeck, Wigton, CA7 8EW
Grid Reference: 332200 539829  See Plan
Proposal: Subdivision of Bridge End House to its original form as two dwellings - Bridge End House and Bridge End Cottage

District Council: 
Parish Council: Support – see report and Appendix 1
Highway Authority: Refuse

RECOMMENDATION: REFUSE for the following reason

REPORT:

1 BACKGROUND & PROPOSAL

1.1 I am reporting this application to the committee because my recommendation conflicts with the views of Calbeck Parish Council.

1.2 Bridge End House in Calbeck is a five bedroom Grade II listed house in the south west corner of the village green. Prior to 1979 the building consisted of two dwellings, Bridge End House (c. 1690) and Bridge End Cottage (c. 1790). When the owners of Bridge End House bought Bridge End Cottage in 1979 they formed through doors at both ground and first floor levels and began using the two dwellings as a single house (planning permission not required).

1.3 Planning permission is sought to subdivide the existing house into two separate dwellings, one three bedroom house and one two bedroom house. No external physical alterations are necessary. Internally two through doors would need to be in-filled. The proposal would effectively reinstate the two houses that had existed prior to 1979.

2 REPRESENTATIONS

2.1 The Parish Council have given their support to the application for the following reasons:

- An extra home in the village is important to its viability.
• Restoration of the building to its original design of two separate dwellings is appropriate.

The Parish Council goes on to state that it would be unreasonable to expect and existing building to become an affordable dwelling.

3 POLICY & ASSESSMENT

3.1 The following policies form the development plan context for the assessment of this proposal:

North West of England Regional Spatial Strategy:
• Policy DP7 (Promote Environmental Quality)
• Policy RDF 2 (Rural Areas)

Extended policies of the Cumbria and Lake District Joint Structure Plan 2001-2016:
• H20 (Housing in the Lake District National Park)
• EM38 (Historic Environment)

Saved policies of the Lake District National Park Local Plan:
• H2 (Housing in Larger Settlements)
• BE11 (Conservation Areas)
• BE13 (Alterations and Extensions to Listed Buildings).

3.2 Policy H20 of the Structure Plan requires that all new housing in the National Park (including subdivision) is of a scale and type which is designed to contribute to the identified housing needs of the locality. The Supplementary Planning Document provides detailed guidance on demonstrating housing need and the criteria for the evidence of housing need that will be considered. It states that unless supported by a housing needs survey carried out to the methodology specified by Cumbria Rural Housing Trust proposals for housing development are unlikely to be acceptable.

3.3 This application proposes the subdivision of one large house into two smaller houses. There is no intention on the part of the applicant to enter into any agreement which would see the additional unit secured to meet the housing needs of the locality. The proposal is therefore directly contrary to our housing policies.

3.4 Caldbeck is identified as a larger settlement in the Lake District National Park. A housing needs survey carried out in 2007 identified a need for 20 dwellings of various sizes. The majority of these are required for rent. So whilst Caldbeck is a location in which we would wish to locate any new housing development, this would only be of a type required to meet the identified needs of the locality and therefore in conformity with Policy H20 of the Structure Plan.

7/2009/2013
Are there any material considerations which would justify a departure from housing policy?

3.5 The applicant recognizes that this proposal would represent a type of housing development which would be contrary to our policies. They have put forward a number of arguments in order to justify why our housing policies should be set aside in this instance. Those arguments are summarized below followed by my assessment of each.

The two properties were never fully integrated into one. The proposal is to revert to a previous use as two dwellings rather than sub-divide a building which had always been one dwelling.

3.6 It is clearly the case that this building was once two dwellings and physically still appears as such when viewed externally. Two houses existed until the late 1970s when the owners formed doorways through and began using the building as one larger house. The applicant initially argued that the building remained as two houses. Were the applicant convinced as to the status of the building as two houses and had evidence enough to support this then the correct procedure would be to apply for a Lawful Development Certificate. The previous use is not in itself sufficient in my view to set aside housing policy.

The valuation of the proposed smaller unit would be well above local affordability levels and would be considerably more given modernization works which are required. It is valued in the region of £230-240,000 with an additional £30,000 needed to modernize. The applicant should not be expected to have to reduce this valuation to provide an affordable home.

3.7 This is the assumed value of the smaller unit if we were to grant planning permission without any of the affordability controls required by policy. It is not relevant to this decision, clearly the policy affects the value of property, this is what affordability is about.

The large five bedroom house would be well beyond the affordability of local people. Refusing this application would remove an opportunity for a local person to purchase a modest two bedroom house.

3.8 There is no reason why this application would make either dwelling more available or more affordable to local people than any other open market dwelling. If we were to grant permission, either unit may well be sold to a local person. But equally possible is that both units would be sold and let as holiday homes.

There is a duty to find an economic use of the listed building in order to preserve its character and appearance. It is an important part of the Caldbeck Conservation Area.

3.9 I agree that the building makes a considerable contribution to the Caldbeck Conservation Area. Planning Policy Guidance Note 15 does encourage Local Planning Authorities to find viable economic uses for listed buildings as part of their stewardship of the historic built
environment. However this is normally where the future of a listed building is in doubt and a new use needs to be found.

3.10 There is no suggestion that the building is under threat if it is not subdivided into two dwellings. The contribution to the Conservation Area nor the character and appearance of the building in its own right is in question, regardless of whether maintained as a five bedroom house or subdivided. There is no reason to believe that the part which the buildings play in the character of the area nor the level of upkeep which they would be subject to would change in any way. I am therefore in no way convinced that the house needs to be subdivided into two smaller houses in order to ensure a viable economic use that will guarantee their maintenance. In my opinion the building has an existing viable economic use as one house.

Would there be any impact on the listed building?

3.11 Listed building consent is required for the internal physical alterations that would be required to form two independent dwellings. Although we are not yet in receipt of an application the applicant has been informed that this is necessary in order to carry out the works. Given their nature and the fact that they would involve reinstating an original part of the building, the principle appears unobjectionable, however these details can only be considered on the basis of an application.

Are there any other relevant planning considerations?

3.12 Were the principle of the development acceptable then I consider all other matters in relation to parking, access, neighbour amenity and nature conservation interests to be satisfactory.

4 CONCLUSION

4.1 The proposal amounts to housing development in the terms of Policy H20 and in the absence of any controls to ensure that the new house meets the identified housing needs of the locality it is contrary to policy. I am not persuaded that there are material planning considerations to outweigh this.

Committee is recommended to:

REFUSE for the following reason:

1. Policy H20 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (extended by North West of England Plan Regional Spatial Strategy to 2021) states that within the Lake District National Park housing development will only be permitted where the development is of a scale and type which is designed to contribute to the identified housing needs of the locality. The policy specifically states that housing development includes new dwellings resulting from sub division of dwellings.

7/2009/2013
The Supplementary Planning Document on Demonstrating Housing Need states that to be in housing need a household must be inappropriately housed, unable to afford to rent and/or buy on the open market and have a need to live in the locality.

Policy H20 requires that housing development be appropriately controlled to ensure that it is occupied only by those in housing need.

The proposed subdivision of the existing dwelling represents unfettered open market housing development in the National Park and fails to provide housing of a scale and type which is designed to contribute to the identified housing needs of the locality. Without any material considerations weighty enough to indicate otherwise the proposal would be contrary to Policy H20 of the Cumbria and Lake District Joint Structure Plan 2001-2016.

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.
CALDBECK PARISH COUNCIL

Mrs Antoinette Ward - Clerk
The Green
Caldbeck
Wigton
CA7 8ER
Telephone: 016974 78220
Email: aw.caldbeck@googlemail.com

29 January 2009

Planning Department
Lake District National Park Authority
Murley Moss
Kendal
LA9 7RL

Copy to: Allerdale Borough Council Planning Dept.

The following planning application was considered by Caldbec Parish Council at its meeting held on 26th January 2009.

7/2009/2013: Bridge End House, Caldbec, Wigton, CA7 8EW.

Subdivision of Bridge End House to its original form as two dwellings – Bridge End House and Bridge End Cottage.

Caldbec Parish Council agreed to support this planning application for reinstatement of the original two dwellings. The reasons for the Parish Council’s support are:

1. It provides an extra home in the village which is important for the viability of the village.
2. It is appropriate to restore the house and cottage to their original design and use as two separate dwellings.

The Parish Council is of the opinion that it would be unrealistic to expect an existing building to become an ‘affordable home’ as is the current policy for new dwellings in the National Park, and would not expect such a restriction to be placed on the restored dwelling.

The Parish Council is willing to meet the Planning Authority on site to discuss this application if that would be helpful.

Yours faithfully,

Antoinette Ward
Clerk to Caldbec Parish Council

[Signature]

[Stamp: Received 30 Jan 2009]
PLANNING APPLICATIONS

COPELAND BOROUGH COUNCIL (WHITE SHEETS)
Application no: 7/2008/4089
Applicant: Mr Hugh Branney
Date of Application: 14 October 2008
Type of Application: Full
Location: Croasdale Farm, Ennerdale, Cleator, CA23 3AT
Grid Reference: 309402 517554  See Plan
Proposal: Build open storage area and rebuild store attached to outbuilding
District Council: No response
Parish Council: No response
Highway Authority: Not consulted

**RECOMMENDATION:** APPROVE with conditions

**REPORT:**

1 **BACKGROUND & PROPOSAL**

1.1 I am reporting this application to Committee because the applicant is a Member of the Authority.

1.2 It is proposed to add a lean to extension to the side of a traditional stone and slate barn. Part of this would be enclosed involving the erection of three new stone walls (2.7m x 3.7m) and part open sided (8.6m long) joining up with an existing lean to. The roof would be slated and the open sided part supported on timber posts. The enclosed section is proposed to be used for domestic bee keeping equipment, the open part for storage, for example, logs.

1.3 A bat report has been received which shows that bats roost in the barn.

1.4 Croasdale Beck runs past the site some 9m away. It is a tributary of the River Ehen, which is a Special Area of Conservation (SAC).

2 **REPRESENTATIONS**

2.1 The proposal was advertised by a site notice and no representations have been received.

3 **POLICY & ASSESSMENT**

3.1 The relevant saved policies of the Lake District National Park Local Plan are Policies NE1 (Development in open countryside) and BE1 (Roof and wall materials).
3.2 The relevant policies of the North West of England Plan Regional Spatial Strategy to 2021 are Policies DP7 (Promote environmental quality) and EM1(B) (Natural Environment).

3.3 There is no objection to the principle of relatively small extensions of this type in this location. The proposals are of a good standard of design, respect the form of the barn and incorporate appropriate materials. The main issue in this case is the presence of Pipistrelle bats (a European protected species) within the barn.

**Would the development affect bats or their habitat?**

3.4 Statutory protection is provided by the Habitats Regulations. In order to avoid an offence being committed development works may require a license from Natural England. The potential disturbance or harm to a protected species or its habitat is a material planning consideration.

3.5 It is therefore necessary to ensure that the presence of protected species and the extent that they may be affected by the proposed development is established before planning permission is granted.

3.6 The applicant is aware of the presence of bats and has submitted a report by a licensed bat worker as part of the application. This identifies the parts of the building used by bats and those aspects of the scheme that have the potential to affect them and their habitat. The survey found no evidence of bats using the external face of the wall where the extension is proposed. However, it is recommended in the report that vents and the wall top remain open to allow passage of bats into the interior of the barn. The report includes other mitigation measures including timing of work. The bat report is proportionate to the scale and nature of the works proposed and provides an adequate level of detail to enable a decision to be made, subject to the inclusion of conditions.

3.7 Although the proposed works are close to Croasdale Beck minor straightforward construction of this type would not be likely to have an affect on the watercourse or its nature conservation designation. An informative on the decision notice would be appropriate.

4 **CONCLUSION**

4.1 This proposal is small in scale, has been designed sympathetically using traditional materials and would not have a material impact on the appearance of the wider area. The proposed mitigation, secured by planning condition, will address protected species issues.

*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. Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall be carried out in the following manner:-

   (i) In accordance with a method statement that shall be submitted to and approved in writing by the Local Planning Authority before work commences. The method statement shall include details of any re-pointing, the junction between the new roof and the existing wall and any timber treatment and the dimensions of the wall top gap.

   (ii) The three wall vents shall not be closed or infilled.

   (iii) The building work shall only be carried out between 15 November in one year and 15 April in the following year.

   **REASON:** To protect bats and maintain their habitat in accordance with Policies DP7 and EM1(B) of the North West of England Plan Regional Spatial Strategy to 2021.

**INFORMATIVE:**

The applicant should remind contractors to be vigilant for bats during building work.

Bats are known to roost within the building, and all bat species are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c.) Regulations 1994. Advice should be sought from Natural England (Tel. 01539 792800 or the bat help line 017687 76911) or the applicant's bat consultant prior to any works or activities likely to disturb bats or damage or destroy roosts.

**INFORMATIVE:**

Croasdale Beck is a tributary of the River Ehen Special Area of Conservation (SAC). Given the scale and nature of the work proposed there is no reason to believe that the development would affect this watercourse. However, those carrying out the work should be made aware of the importance of ensuring that Croasdale Beck is not affected by activity or materials.

**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.
LAKE DISTRICT NATIONAL PARK AUTHORITY

DEVELOPMENT CONTROL COMMITTEE – WEDNESDAY 4 MARCH 2009

REPORT BY THE HEAD OF DEVELOPMENT MANAGEMENT

PLANNING APPLICATIONS

SOUTH LAKELAND DISTRICT (PINK SHEETS)
Application no: 7/2008/5525
Applicant: Mr S Lister
Date of Application: 26 August 2008
Type of Application: Full

Location: Claife Holme, Old Hall Road, Troutbeck Bridge, Windermere, LA23 1JA
Grid Reference: 339977 499364  See Plan

Proposal: Extend existing dwelling and build new garage with family room over. Adjustments to private access

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

RECOMMENDATION: APPROVE with conditions

REPORT:

1  BACKGROUND & PROPOSAL

1.1 I am reporting this application to Committee because although I have only received letters of objection from three households, given the local interest in a previous withdrawn application I anticipate receiving more.

1.2 The site is located outside of any designated settlement boundary but within a residential area, which is heavily wooded. There is a tree preservation order on the trees outside of the site to the northeast.

1.3 The property is accessed down a road, which is constructed to a good standard. The road forks to the east of the site with the access being from the southern fork to the front of the property. This serves a further four properties and five boathouses. The northern fork currently serves six properties and the rear of the property.

1.4 This is a resubmission of a previous application which was withdrawn at our request in order for amended plans to be drawn up to take into account not only our concerns but also to try to address the concerns of the local residents.

1.5 There is a range of property styles on Old Hall Road and, in common with many others this property has been substantially extended over the years with a large side and rear extension.

1.6 The property currently provides a double garage, sitting room, kitchen/dining room, porch and hall on the ground floor with five bedrooms, WC and two ensuites on the first floor. This scheme would create an extended sitting room
and enlarged kitchen/dining room with a new garage and utility area on the ground floor. The first floor would accommodate enlarged bedrooms, one additional en-suite and a family room.

1.7 The extensions can be separated into three elements:

- a two-storey extension to the front southwestern part of the house. No windows are created on the side elevation with large picture windows proposed on the front. This would measure 4.4m deep by 6.7m with an eaves height of 5.1m and ridge heights of 6.7 and 7.1m, as it is a double gable extension.

- a two-storey extension on the front southeastern corner of the house on the existing parking and turning area. Again no windows are proposed on the side elevation with windows on the front. This would measure 4m deep by 6.5m with an eaves height of 5.1m and ridge height of 8.1m to match the existing dwelling ridge. A balcony would run along the front of the house incorporated within the new extensions and linking to the existing dwelling.

- a single storey with roof accommodation attached to the rear of the property to create the garage with a large turning area located in front of this building. This would measure 8.4m by 6.7m with an eaves height of 3m and ridge height of 6m. This is linked to the main dwelling by a smaller link measure 2.2m by 3.1m with a ridge height of 3.7m. Two small roof lights are proposed on the roof slope looking into the garden, which would measure 0.8m2. A further two windows are proposed on the gable looking up to the new access.

1.8 The extensions would be finished externally with a combination of render and local stonewalls set beneath a local slate roof to match the existing building and neighbouring properties.

1.9 The scheme also includes the insertion of a first floor window into the existing bedroom 2, which faces towards the west (40m from the neighbouring properties existing windows).

1.10 This application also proposes to close the existing access and create an access to the rear of the site off the northern fork of the private road.

1.11 The garden area extends 22.4m from the gable of the rear extensions to the boundary of the site.

1.12 This is a large plot. The neighbouring property to the west is located approximately 8.8m from the side of the front extension. There are a number of trees located between the two properties. The nearest corner of the neighbouring property to the east of the site is located approximately 11m from the corner of the end of the rear extension. There is a high established hedge between the two properties with the neighbouring property being slightly elevated compared to the application site level, although it is only a single storey dwelling. The property to the south of the site is approximately 36m away with the private road running between the two sites.
2 CONSULTATIONS & REPRESENTATIONS

2.1 This application has been advertised by means of neighbour notification letters sent to 10 properties. Four letters of objection have been received from 3 separate households at the time of writing this report which raise the following concerns:

- Overlooking of the property to the south from the front extensions
- Overlooking of the property to the west from the inserted window in bedroom 2.
- The family room is highly obtrusive due to its scale
- Loss of view of the lake
- Increased vehicle traffic on the rear private road
- Removal of a number of trees
- Light pollution
- Garage is out of proportion with overall house
- Out of keeping with surroundings

2.2 The Local Highway Authority has no objections to the proposal but has suggested a number of conditions relating to the closing of the existing access.

2.3 No response has been received from Windermere Town Council at the time of writing this report.

3 POLICY AND ASSESSMENT

3.1 The site is located outside of any designated settlement boundary, although within a residential area.

3.2 The relevant North West of England Plan Regional Spatial Strategy to 2021 Policies are:

- DP7 (Promote Environmental Quality)
- RDF2 (Rural Areas)

The relevant saved Lake District National Park Local Plan Policies are:

- NE1 (Development in the Open Countryside)
- BE1 (Roof and wall materials)

The relevant planning considerations are essentially site specific and are set out below.

Would the development cause harm to the appearance of the dwelling?

3.3 The dwelling has been extended in the past with no apparent coherent theme and has resulted in a building, which has no common style or design of fenestration. I believe that this scheme would create a more complete form of development, which would be viewed as a completed house rather than a house that has a number of extensions. The theme of using smaller gables
on the front elevation helps to break up this large building and creates an acceptable design feature.

3.4 The rear extension is a large structure, however due to the extensive garden area it is in proportion with its immediate surroundings. The neighbouring property to the west is constructed in a similar manner with a main large dwelling with an extension to the rear, which extends approximately 11m up the rear garden.

Would the proposal affect the visual amenities of the surrounding area?

3.5 Concern has been expressed by neighbours that the design and proportions of the proposed extensions are not in keeping with the surrounding area. As there is a variety of design and scale of properties within the area and they stand within extensive garden areas this allows a degree of design freedom. Although not an outstanding design this is not a prominent building in public views and sits in a varied residential area.

3.6 Using local stone and slate improves the scheme. The rear elevation would only be viewed from the rear private road and the rear properties, which are set at a higher level, so would actually look down onto the property. In my opinion the scheme would not adversely affect the visual amenities of the area but could actually improve the appearance and impact on the area by creating a coherent scheme.

Would the proposal cause harm to the highway situation?

3.7 The Local Highway Authority has no objection to the proposal. There is adequate parking and turning area within the site to ensure that vehicles enter and leave the site in a forward direction to ensure that the users of the road are unaffected.

Would the proposal cause harm to the amenities of neighbouring residents?

3.8 In relation to the perceived overlooking, I believe that due to the distance between the proposed windows and the neighbouring properties the proposal would not have a detrimental impact on the neighbour’s amenity.

3.9 In relation to the scale of the garage and the impact on the neighbour to the east, I consider that due to the height and the existing high hedgerow and the fact that that dwelling is slightly higher than the proposal would not adversely affect this property.

Would the proposal cause harm to nature conservation issues?

3.10 A bat survey was carried out which confirmed that there was minimal evidence of bats roosting at the site and the survey summaries that the proposed plans should not affect the conservation of bats or their habitats but suggested a number of mitigation measures to include bat boxes. I consider that conditioning the mitigation measures would ensure the protection of the conservation interests on the site.
CONCLUSION

4.1 In conclusion the scheme is large in scale but this is both proportionate to the house and the surrounding area. I believe that the extensions create an acceptable dwelling from a design perspective. Due to the distance between neighbouring properties I consider that the residential amenity of those properties would not be detrimentally affected.

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. Before the development is occupied the existing access to the road shall be permanently closed and the crossing and boundary shall be reinstated in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

   REASON: In the interests of road safety and for the avoidance of doubt.

3. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed in writing by the Local Planning Authority.

   REASON: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.

4. The materials to be used in carrying out the development hereby permitted shall match in colour, form and texture, and shall otherwise harmonise with the existing building at the date of the application.

   REASON: To ensure a satisfactory standard of appearance of the development in keeping with the existing building.

5. The mitigation measures indicated in section E of the Bat Survey undertaken by Sally Phillips, reference 110872, submitted with the application, shall be implemented in full accordance with those details unless otherwise agreed in writing by the Local Planning Authority.

   REASON: To ensure the building remains as a potential roost location for the bats occasionally using the building.
Summary of Reasons for Approval

Having regard to the relevant development plan policies, including the impact on residential and local amenity, and all other material planning considerations, the proposal is considered to be acceptable subject to the conditions imposed.

North West of England Plan Regional Spatial Strategy to 2021 Policies are DP7 (Promote Environmental Quality) and RDF2 (Rural Areas)

Lake District National Park Local Plan Policies are NE1(Development in the Open Countryside) and BE1 (Roof and wall materials)

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: 7/2008/5533
Applicant: Mr C Robertson
Date of Application: 10 September 2008
Type of Application: Full
Location: Michaels Croft, Grasmere, Ambleside, LA22 9RL
Grid Reference: 334118 508263 See Plan
Proposal: Extension of existing house, including external alterations to provide more living accommodation for current occupiers. Extension includes detached single storey annex/games room. Existing garage to be demolished and a new double garage incorporated within footprint of main house
District Council: 
Parish Council: No objection
Highway Authority: See report

RECOMMENDATION: APPROVE with conditions

REPORT:

1 BACKGROUND & PROPOSAL

1.1 I am reporting this application to Committee because the number of objections I have received.

1.2 Michael's Croft is a modern detached dwelling in a residential area to the east side of Grasmere. This area has houses set in gardens with a range of building styles.

1.3 The building is finished externally with primarily render walls with smaller detail such as porch and chimney constructed in Lakeland stone. It has timber windows set beneath a local slate roof. The property has a large number of existing velux (seven in total) and a dormer window within the roof. The dwelling is a relatively modern building of no particular architectural merit.

1.4 The dwelling is set within a large garden area with a large lawn area which extends approximately 80m from the rear of the dwelling to the rear boundary. The land slopes from the dwelling towards this boundary.

1.5 The dwelling currently has a kitchen/dining room, sitting room, bedroom, study, utility, hall and WC on the ground floor with three bedrooms, bathroom, ensuite and two storage areas in the roof space.
1.6 There is a separate single detached garage located within the corner of the site adjacent to the existing access.

1.7 The original submission created an additional access and a detached annexe structure located to the eastern part of the garden. As a result of the detached nature of the proposed building and concerns expressed by the Local Highway Authority the scheme was revised. The neighbours, Parish Council and the Local Highway Authority have all been re-consulted on the revised scheme and the consultation period has now expired.

1.8 The revised application proposes significant alteration and extension to both gables and to the rear and I will display the details at the meeting.

1.9 The proposal would result in kitchen/dining room, sitting room, two bedrooms, study, utility, hall, WC, games room and bathroom on the ground floor with an integral double garage. The accommodation would be reorientated within the roof space to create three bedrooms, bathroom, two en-suite and storage areas. Walls would be finished in a mixture of stone and render under a slate roof.

1.10 As a result of discussions with the Local Highway Authority the access arrangements have been altered to close the existing access and create a new access further along the frontage to the east. The scheme proposes the repositioning of the existing stonewall along the frontage with the wall set back to provide the required visibility splays.

2 CONSULTATIONS & REPRESENTATIONS

2.1 This application has been advertised by means of neighbour notification letters. Six letters of objection have been received from 5 separate households during the consultation period in relation to the initial plans and then 8 from 6 households in relation to the amended plans. The concerns raised were:

- Out of proportion with the existing dwelling
- Creation of separate dwelling with its own access
- Intrusive
- No use of local style or local materials proposed
- Previous application on the road has been refused due to impact on visual amenities of area (92/5068)
- Annex too close to boundary
- Height unacceptable
- New access unacceptable in relation to highway safety.

2.2 Initially the Local Highway Authority recommended refusal due to the original scheme creating an additional access. However, as a result of the amended plans they have no objections subject to a number of conditions.

2.3 Lakes Parish Council has no objections to the proposal.

3 POLICY & ASSESSMENT

7/2008/5533
3.1 The site is located within the development boundary for Grasmere within a residential area.

3.2 The relevant North West of England Plan Regional Spatial Strategy to 2021 Policy is:
- DP7 (Promote Environmental Quality)

The relevant saved Lake District National Park Local Plan Policy is:
- BE1 (Roof and wall materials)

3.3 This is a proposal to extend a house within a residential area. The issues are essentially site specific and are considered below.

Would the development cause harm to the appearance of the dwelling and the locality?

3.4 The existing dwelling is of a simple design with design features such as the porch and the chimney being out of proportion with the dwelling in that the porch appears too small and the chimney too large.

3.5 I believe that the new alterations and extensions would retain a single storey building when viewed from the road with a two-storey element when viewed up the garden area. This takes into account the sloping nature of the garden. The alterations result in a better-proportioned house with the features being part of the design as opposed to appearing as an afterthought.

3.6 Other properties along the road appear to take up much of the frontage of their plots with either the dwelling or a combination of the dwelling and outbuildings. The proposed building utilises the area to the front of the site but still retains the large open nature of the rear garden. This would be in keeping with the street scene.

3.7 The extended building would be much larger than existing. However, the overall form has a number of elements resulting in a building that does not have a significant visual mass. This visual variety and the design features included would result in an attractive contemporary building that respects its setting by use of appropriate materials.

Would the proposal cause harm to the highway situation?

3.8 Concern has been expressed by objectors that the new access would detrimentally affect highway safety, however, it has been redesigned in conjunction with the Local Highway Authority to improve on the existing access arrangement.

3.9 There is an adequate parking and turning area within the site to ensure that vehicles enter and leave the site in a forward direction to ensure that the users of the road are unaffected. The proposal has only increased by one additional bedroom and additional living accommodation such as games room so the number of users would not increase materially.
Would the proposal cause harm to the amenities of neighbouring residents?

3.10 The issues that concern objectors with regard to impact on neighbours appear to be in relation to the position of the proposed single storey eastern extension and the roof height.

3.11 In relation to the raising of the roofline with the creation of the two storey rear extension, due to the distance of this element from any neighbouring properties, I believe that this would not impact on the neighbour’s amenity by reason of dominance, or loss of light.

3.12 In relation to the position of the eastern extension, due to the single storey nature of this element and the existence of the vegetation and the fact that the neighbouring property is angled away from the extension would ensure that this element of the proposal would not have a detrimental impact on residential amenity.

Are there any other issues?

3.13 A bat survey was carried out which confirmed that there was no evidence of bats roosting at the site and the survey summaries that the proposed plans should not affect the conservation of bats or their habitats at Michael’s Croft or in the vicinity.

3.14 The extended property would remain a single dwelling, the annexe being well integrated into the design.

4 CONCLUSION

4.1 This is a well designed scheme to significantly alter, extend and enhance this property that is acceptable subject to the conditions set out below.

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.


   REASON: For the avoidance of doubt and to ensure a satisfactory
standard of appearance of the development.

3. A sample panel of stonework to be used on the building shall be constructed for inspection and approval by an Officer of the Local Planning Authority prior to the application of the stone to the building. The external walls of the building shall thereafter be constructed in such a manner as to harmonise with the approved panel.

   REASON: For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development.

4. The roof of the building hereby permitted shall be covered in matching local blue grey slates (that is slates which have been mined or quarried in Cumbria and are similar to each other in colour and texture), and shall be laid in diminishing courses from eaves to ridge.

   REASON: To ensure a satisfactory standard of appearance of the development by the use of traditional materials in accordance with Policy BE1 of the Lake District National Park Local Plan.

5. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 5 metres as measured from the carriageway edge of the adjacent highway.

   REASON: To prevent the spread of loose material onto the county road in the interests of highway safety.

6. Before the extensions are occupied the existing access to the highway shall be permanently closed and the highway crossing and boundary shall be reinstated in accordance with details which have been submitted to and approved by the Local Planning Authority.

   REASON: To minimise highway danger and the avoidance of doubt.

7. No access gates shall be hung other than to open inwards only away from the highway.

   REASON: In the interests of highway safety.

8. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto the highway shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented prior to the development being completed and shall be maintained operational thereafter.

   REASON: In the interests of highway safety and to minimise potential hazards.
Summary of Reasons for Approval
Development Plan Policies relevant to the Decision

Having regard to the relevant development plan policies and all other material planning considerations including the affect on the amenity of neighbours and on highway safety, the proposal is considered to be acceptable subject to the conditions imposed.

Lake District National Park Local Plan Policy BE1 (Roof and wall materials)

North West of England Plan Regional Spatial Strategy to 2021 Policies are DP7 (Promote Environmental Quality) and EM1

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: 7/2008/5605
Applicant: Mr & Mrs Wood
Date of Application: 27 October 2008
Type of Application: Full
Location: Land to north of B5286, Hawkshead Hall Farm, Hawkshead, Ambleside, LA22 0NN
Grid Reference: 334983 498921  See Plan
Proposal: Re-siting of 5 static caravans and associated engineering works (resubmission)
District Council: Not consulted
Parish Council: No recommendation
Highway Authority: Refuse – see report

RECOMMENDATION: APPROVE with conditions

REPORT:

1 BACKGROUND AND PROPOSAL

1.1 I am reporting this application to Committee because one of the applicants is a close relative of a Member of the Authority. Committee deferred a decision on the application at the January meeting to receive comments from the local Highway Authority on the amended access arrangements. The Local Highway Authority recommended refusal as the access did not meet their standard visibility requirements of 2.4mx90m. For the reasons set out in the report my recommendation at the February meeting was for approval and Committee decided to defer a decision to carry out a site visit so they could view the access for themselves. I have updated this report to take account of additional information received.

1.2 The site is a field and is located some 700m to the north west of the centre of Hawkshead with access off the B5286 and forms part of Hawkshead Hall Farm which is a working farm and has a camp and touring caravan site.

1.3 There is an existing gated access to the field. The field is sloping in nature with the lowest part of the field in the south west corner of the site adjacent to the river.

1.4 There have been caravans sited in this field in the past to the south west corner of the field adjacent to the river. Planning permission for 2 caravans was granted in 1958 with a seasonal restriction. In 1972 planning permission was granted on appeal for 3 additional caravans with no seasonal restriction. Therefore there is consent for 5 caravans to be sited on this field and these caravans were sited here until recently. The caravans were sited on the
lowest part of the field by the river and located close together with a tight site boundary. This proposal extends beyond that previous site boundary.

1.5 This proposal is to locate 5 caravans of a lodge type appearance (but still meeting the definition of caravan in terms of construction and size). These would have the addition of timber decks and steps, low level bollard lighting and parking for two cars each. The units would be cedar clad with a natural finish or wood stained. The applicant indicates that the caravans were outdated and a larger area is required to meet modern requirements.

1.6 The proposal includes a planting belt of semi natural trees and shrubs to the southern boundary and road side boundary of the field. This planting has taken place and in addition the proposal includes Birch and Rowan located adjacent to the caravans and parking areas.

1.7 The existing access into the field would be improved and a new track laid to the caravans of a reinforced grass track type. As a result of comments from the Local Highway Authority an amended plan showing changes to the access detail was received which reduces the height of the wall and geometry of the entrance and realignment of the existing field hedge to improve visibility.

1.8 Pre-application discussions have taken place, including our Landscape Architect, on the issue of siting, colour and landscaping. This followed an earlier application in 2008, which was subsequently withdrawn. The application is as a result of those detailed discussions.

2 REPRESENTATIONS

2.1 4 letters of objection have been received and the issues raised are summarised as follows:

• Query as to whether this is an existing caravan site as comments made in the application are contradictory. This is not relocation but a new caravan site.
• No caravans currently at the site.
• Previously virtually no services to the site.
• Field has predominantly been used for grazing.
• 4 of the 5 old caravans had not been used for a number of years.
• Caravans previously located in a compact line (7% of the field).
• The caravans were small.
• There are listed buildings near the field.
• The site is not visually well contained by groups of trees and the trees are deciduous. It is a site which can be seen from various public places.
• This side of the road is untouched by tourist development unlike the other side of the road.
• Concerns over additional loading on existing septic tank/drainage system due to numbers.
• Concerns over the area of coverage of the site.
• The site would be visible from local houses.
• The decking would encourage people to sit outside with associated noise pollution and impact on local residents.
• Concerns over the potential number of people using the lodges and number of cars.
• Exit from the site would create a staggered junction on to the B5286 as it is close to the access opposite and so potentially cause accidents.
• The lodges are spaced well apart.
• The proposal would have a detrimental effect on the natural beauty of the valley.
• Re-siting caravans should not be visible from the road but on the site of the caravans which were there under the 1972 consent.
• The previous permission was only granted on appeal.

2.2 Hawkshead Parish Council have made the following comments - The applicant's father is a councillor and other councillors declared a personal and prejudicial interest. As such a quorum could not be formed to debate the issue.

2.3 Friends of the Lake District and CPRE - consider that the amended layout represents an acceptable improvement upon the previous (withdrawn) proposal and therefore they have no objections.

2.4 The Local Highway Authority indicated they required a visibility splay for a 30 mph speed limit. The visibility splay would be 90m which is the whole of the frontage of the field with the highway and nothing above 1m for the full length of that frontage. Given our concerns over the visual impact of this the applicant was requested to achieve the best possible visibility without removal of all of the boundary hedge. They submitted an amended plan which showed approximately 70m visibility to the middle of the carriageway to the oncoming traffic from the north. The Local Highway Authority was again consulted. The Highway Authority have indicated that this is not adequate and recommend refusal for the following reason:

The increased use of the access onto the public highway resulting from the proposed development would by reason of the limited visibility from and of vehicles using the access be likely to result in danger to all users of the road.

We sought clarification that the Highway Authority had given regard to the fact that there was an existing access serving a lawful development of five caravans. Particularly as the original access is a field gate directly onto the highway without any visibility splay. They replied that "the existing access even with the re-laid hedge is deficient".

3 POLICY AND ASSESSMENT

3.1 The relevant North West of England Plan Regional Spatial Strategy to 2021 Policies are:

• DP7 (Promote Environmental Quality)
• W6 (Tourism and the visitor economy)
• EM1 (A) (Landscape)

The relevant extended Cumbria and Lake District Joint Structure Plan 2001-2016 Policies are:
• EM16 (Tourism)
• E37 (Landscape Character)

The relevant saved Lake District National Park Local Plan Policies are:
• NE1 (Development in open countryside)
• T9 (Static caravans)
• A3 (Farm diversification)

Is the principle of the development of the siting of 5 static caravans in this location acceptable?

3.2 Policy T9 of the Local Plan permits siting of static caravan on farms in connection with diversification proposals. The site would be run and managed by the family, providing an ongoing income for the farm business and therefore the proposal represents farm diversification as envisaged in the Local Plan.

3.3 Policy NE1 of the Local Plan only permits development in open countryside where it is closely integrated with existing uses.

3.4 There is a history of planning permission for 5 static caravans on part of this field. Those original caravans could be replaced on their original siting without further planning permission and three of those caravans were unrestricted in terms of when they could be used as there was no seasonal restriction. Therefore the principle of use of part of this field for caravans without a seasonal restriction has been established.

3.5 The main issues are whether the larger units and the extended area for the caravans is acceptable taking into account landscape impact, potentially more intensive use with regard to highway safety and impact on amenity.

Would the development result in harm to the landscape?

3.6 Policy A3 states, amongst other things, that caravan proposals should be integrated into the landscape and located within or near the farm complex. The site is on the opposite side of the road from the main farm complex but visually is seen in the context of other buildings in this area and the camp site on the opposite side of the road.

3.7 The development would be more visible than the previous caravans as the new larger units would extend away from the more secluded river bank site. The grouping of the caravans to the south west corner of the field along the river bank and boundary is the least intrusive location for the proposed units within this field. The lower slope close to the river bank means units 1, 2 and 3 will be partially screened by the rising ground and trees along the river bank. That however does not mean to say that some of the caravans will not be visible from neighbouring properties or from the highway or a footpath to the east, because units 4 and 5 are on rising ground compared with the other units.

3.8 The planting belt will filter views when it becomes established such that I consider that the caravans placed in the positions shown would not be
prominent in the wider landscape in a manner which would cause harm to the landscape. The species planted within this area are semi natural species and are appropriate to this area. The planting will be subject of a landscape management plan to ensure the planting becomes established and maintained. The proposed siting and grouping of the caravans is as a result of discussions with our Landscape Architect.

Would the development result in harm to highway safety?

3.9 The Local Highway Authority has expressed concerns regarding site lines and have requested a 2.4m x 90m visibility splay given the 30mph speed limit on this road, which would result in the removal of all of the hedge along the road frontage of this field for a length of 90m. This would be visually unacceptable in terms of its impact on the area.

3.10 This is an existing access which has been used for both agricultural vehicles and users of the caravans. The removal of part of the hedge and replanted set back into the field to allow an improved sight line and reduction in height of the new stone wall would improve visibility at the access without causing landscape harm. The applicant has proposed alterations to the access by setting back the boundary hedge and stone wall and reduced the height of the wall that would result in an improvement in visibility. The Highway Authority have indicated that this is not adequate and recommend refusal for the following reason:

*The increased use of the access onto the public highway resulting from the proposed development would by reason of the limited visibility from and of vehicles using the access be likely to result in danger to all users of the road.*

3.11 The lawful use of part of the field is for the siting of 5 caravans using a substandard access. The applicant could therefore continue to site caravans in the positions approved and continue to use the existing access which is also used for agricultural use of the remaining field.

3.12 I am reluctant to make a recommendation contrary to the views of the Local Highway Authority on matters of safety. However in this instance the planning history of the site is a material consideration.

3.13 I am concerned that the Local Highway Authority have not given sufficient weight to the existing lawful use of the site and the existing access. The development does make significant improvements to the access and would improve an existing substandard access.

3.14 The proposed caravans are larger and could accommodate more visitors per caravan, although there are the same number of bed spaces, and thereby potentially more traffic from the site, which is a concern of the Local Highway Authority.

3.15 However, the changes would be an improvement on the existing lawful situation. Under these circumstances I consider that it would be unreasonable not to allow the improvements to the access and the
development although I recognise that this is contrary to the views of the Local Highway Authority.

Would the development affect the character and amenity of the area by reason of increased activity, traffic or disturbance?

3.16 There have been 5 caravans at the site, although their usage appears, in recent years, to be fairly low key. That would not prevent the applicant from replacing the older caravans with new and making more use of the existing permitted site. The larger size units could mean more people using each unit and could result in more vehicles using the site than previously. The decking and revised layout would allow more usage of the exterior of the caravans than the previously tight layout. The issue is whether the additional number of users would result in harm to the surrounding area and occupiers of nearby residential properties.

3.17 Opposite the road is a large camp site which allows caravans and tented camping (5 touring caravans and 50 tents). This area therefore has an existing degree of activity, and noise both vehicular and pedestrian. I do not consider that the larger caravan units on the application site would result in such an increase in activity to cause harm to the character or the area in terms of traffic, noise or general recreational activities.

3.18 Two of the new caravan units would be located in a more visually prominent location with regard to nearby homes and usage of the caravans would be more noticeable from the neighbouring properties but the distance is sufficient that there would be no harmful looking into those dwellings. Any additional outside recreational activities would not, in my opinion, be of such a level to cause demonstrable harm to occupiers of those properties.

4 CONCLUSION

4.1 This farm diversification scheme has been designed in consultation and includes the views of our Landscape Architect to ensure a sensitive development. Particularly given the lawful use for caravans the proposed access arrangements represent an acceptable improvement that can be achieved without adverse visual impact.

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. 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 amended plan received by the Local Planning Authority on 19 December 2008.

**REASON:** For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development and suitable highway access.

3. Prior to the installation of any external lighting at the site whether on the caravan lodges themselves or free standing details of such lighting shall be submitted to and have received the written approval of the Local Planning Authority and thereafter implemented in full accordance with those approved details.

**REASON:** In the interests of the visual amenities of the area.

4. Before the caravans hereby permitted are placed on the land they shall be painted or factory finished in one or more colours in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the caravans shall be retained in the approved colours unless the Local Planning Authority agrees, in writing, to any variation and any decking or steps shall also be subject to the above requirement.

**REASON:** To minimize the visual impact of the caravans in the landscape

5. In the event of failure of any hedge, trees or shrubs planted within the site including the new planting belt to the road frontage and southern boundaries of the site, as indicated on the amended drawing subject of condition 2 of this permission, to survive five years from the date of completion of the development, such trees or shrubs shall be replaced by the developer with such live specimens of similar species and size unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To ensure a satisfactory standard of development in the interests of the visual amenities of the area.

6. The section of hedge to be removed at the entrance to the site in accordance with the amended plan subject of condition 2 of this permission, shall be removed prior to the bringing onto site any of the caravans hereby permitted. The realignment and replacement of the removed section of hedge shall take place in accordance with the approved plans in the first planting season following the siting of the caravan lodges at the site.

**REASON:** To ensure adequate visibility during installation of the caravans and for the users of the site in the interests of highway safety.

7. The caravans hereby permitted shall be operated as an element of the agricultural business (known as Hawkshead Hall Farm) comprising the land edged blue on the location plan, drawing 468(LP, submitted as part of the application, unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** The development is approved as a form of farm diversification.
in compliance with Policy A3 of the Lake District National Park Local Plan.

8. In the event that any of the caravan pitches hereby permitted are sold or otherwise disposed of separately from the land edged blue on the location, drawing 468.LP, or from an agricultural business operating from the land edged blue on that plan, or that business ceases to trade as such then the caravans sited thereon shall be removed from site within three months of such sale, disposal or cessation and no replacement caravan shall be brought onto the site pursuant to this planning permission unless otherwise agreed in writing by the Local Planning Authority.

REASON: The development is only approved for short term holiday letting as a form of farm diversification in accordance with Policy A3 of the Lake District National Park Local Plan.

9. Details of the extent of excavation and piling of soil to enable the caravans to be sited on the land and to lay services to the caravans shall be submitted to and agreed in writing by the Local Planning Authority, before the caravans are first brought to site. The development shall be carried out in accordance with the detail so agreed.

REASON: In the interests of the visual amenities of the area.

10. Unless otherwise agreed in writing by the Local Planning Authority this permission shall only permit the siting of the five caravans indicated on the approved plan as amended by Condition 2 of this permission and in those exact locations.

REASON: For the avoidance of doubt to ensure that the rest of the field shall not at any time be used for the siting of caravans and to safeguard the amenities of the area.

11. This permission shall not authorise the occupation of any caravan on the site except for the purposes of holiday use and no individual, family or group of persons shall occupy any caravan for a period exceeding eight weeks in any period of three months.

REASON: To ensure that the caravans are used for holiday purposes only in accordance with Policy T9 of the Lake District National Park Local Plan.

12. The first 4.5 metres of the access drive, measured from the carriageway edge, shall be hard surfaced with bound material before the access is brought into use in connection with the development hereby permitted and provision shall be made to prevent surface water from discharging onto the highway and shall be maintained operational thereafter.

REASON: To prevent the spread of loose material and water on to the county road in the interests of highway safety.

13. No access gates shall be hung other than

(i) so as to open inwards only away from the highway;
(ii) in a position recessed no less than 4.5 metres as measured from the carriageway edge of the adjacent highway; and
(iii) incorporating splay to each side as indicated on drawing received 19 December 2008.

REASON: In the interests of highway safety.

Summary of Reasons for Approval
Development Plan Policies relevant to the Decision

Having regard to the relevant development plan policies, in particular those extended Cumbria and Lake District Joint Structure Plan 2001-2016 and saved Lake District National Park Local Plan Policies and the North West of England Plan Regional Spatial Strategy to 2021 as appropriate and all other material planning considerations, the proposal is considered to be acceptable subject to the conditions imposed as the development would not result in harm to the landscape or amenities of occupiers of neighbouring properties or highway safety is an appropriate form of farm diversification.

The relevant North West of England Plan Regional Spatial Strategy to 2021 Policies are DP7 (Promote Environmental Quality), W6 (Tourism and the visitor economy) and EM1 (A) (Landscape)

The relevant saved Lake District National Park Local Plan Policies are NE1 (Development in open countryside), T9 (Static caravans) and A3 (Farm diversification)

The relevant extended Cumbria and Lake District Joint Structure Plan 2001-2016 Policies are EM16 (Tourism) and E37 (Landscape Character)

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 1995.
Application no: 7/2008/5653

Applicant: Grange Motors Ltd

Date of Application: 28 November 2008

Type of Application: Major Outline application

Location: Land adjacent to Bateman Mini, Kendal Road, Lindale, Grange-over-sands, LA11 6QR

Grid Reference: 342231 480765 See Plan

Proposal: Two storey building with showroom, offices, workshops and ancillary spaces, and single storey building for vehicle storage and preparation; external hard landscape works consisting of staff and visitor car parking, operational parking, access & delivery spaces & display parking; external compounds and small scale canopy roofs for vehicle wash areas, refuse, cycles and oil storage; external soft landscaping consisting new moundings, tree & shrub planting and rainwater buffer swale

District Council:
Parish Council: Not opposed in principle, but are unable to support the application because 1) increase in light pollution 2) proposed access road to future development assumes suitability of further ribbon development along Kendal Road 3) inadequate screening of the development from the north east 4) insufficient staff parking spaces 5) no footpath along site boundary 6) would like more evidence of sustainable features

High Agency: No objection
Highway Authority: Comments – see report

RECOMMENDATION: REFUSE for the following reasons

REPORT:

1 BACKGROUND AND PROPOSAL

1.1 I am reporting this application to committee as it is a major application which would represent a departure from the development plan if approved and it raises questions of principle which should receive the full consideration of Committee. Members inspected the site in January of this year. An objector has also indicated he wishes to speak at Committee.

1.2 The Bateman BMW garage is situated around 400 metres from the development boundary of Lindale. It was granted planning permission in 2001 and occupies the site of a former haulage yard. In 2003 planning permission
was granted to erect a new showroom, a car storage building and additional parking on green field land adjoining the original showroom site. This permission has been implemented and the new development is used as a BMW Mini franchise. The extended site is accessed via the original showroom site, and is shielded to a large degree from the bypass by a thick belt of trees on the flanks of the bypass and from the B5277 by new mounding and tree planting.

1.3 The current application seeks permission for a new car showroom (36 x 30 metres), a separate storage facility (28 x 16 metres) and associated parking on a field to the east of the current site. The application is in outline form but as details of the access, landscaping, scale and layout have been provided only the appearance of the buildings is a reserved matter.

1.4 A new vehicular access is proposed from the B5277 (Kendal Road). The position of the access has been altered from that originally submitted, after reservations were expressed regarding the extent of the visibility splay, which would require the removal of a considerable length of hedgerow. The original proposal also showed a spur leading to the land to the east of the application site. Although there was no immediate intention to develop this land, the applicants felt that it would be sensible to provide a potential access should development be proposed in the future, as another access to the B5277 in this location would be undesirable. This spur has been removed in the revised proposal, and the access has been moved around 80 metres to the west bringing it closer to the existing Bateman BMW entrance.

1.5 The applicants propose to provide 124 car parking spaces for showing cars, 15 spaces for service parking and 18 for staff and customer parking, making a total of 157 spaces. There would be cycle racks and some space for motorcycles. The car park would be largely screened from Kendal Road by mounding and planting, and from Lindale Bypass by existing tree cover.

1.6 Part of the site falls within flood risk zone 2 i.e. a 1 in 1000 annual risk of flooding. Consequently a flood risk assessment accompanied the application. It concluded that there would be minimum risk of flooding and suggests measure to compensate for increased run-off from the site. Access may be impeded during flood events so a plan for safe evacuation in event of a flood should be prepared.

1.7 If permitted the development would operate as a Toyota franchise to replace the existing Bateman’s site at Grange over Sands. That site is the subject of a current planning application to South Lakeland District Council for a Booths supermarket. The storage building would be a replacement for existing premises at Alnat Industrial Estate, Lindale.

2 CONSULTATIONS & REPRESENTATIONS

2.1 The Friends of the Lake District (FLD) have objected to the application on the grounds that the site in question is greenfield, located in the open countryside. The development is of a significant size, and would extend the built footprint of Lindale to a notable extent. PPS7 aims to strictly control development in open countryside areas. Local Plan Policy NE1 only allows
development in the open countryside where, inter alia, there is no demonstrable harm to the landscape, and the character of the area is respected. Local Plan Paragraph 6.23 is also of particular relevance. This states that 'new industrial or business developments should be accommodated within the confines of larger villages and settlements'.

2.2 They go on to state that the Lake District National Park Landscape Character Assessment and Guidelines indicate that the site lies within Area of Distinctive Character 67: Foulshaw and Meathop. The LCA emphasises the flat, low lying nature of the landscape. ‘Forces for Change’ include ‘Pressure to develop land leading to increasing amounts of engineered features... which would detract from the flat, open and undeveloped characteristics’.

2.3 In FLD’s view, the development would result in a significant change in the existing character of the area, not only through the construction of buildings and creation of large areas of car parking, but also the resultant increase in levels of activity. They are also concerned that the proposed landscaping does not reflect the character of the area, through the creation of mounding, and the repositioning of the existing hedgerow. They consider that the proposal raises conflict with adopted policy, and as such should be refused.

2.4 The Environment Agency has indicated that providing the recommendation of the flood risk assessment are taken forward in detailed design then they have no objection.

2.5 The occupant of the nearest residential property, The Hawthorns (some 100 metres to the east of the site), has also objected to the application. His objections may be summarised as follows:

- I purchased the property surrounded by green belt land for the very purpose that it would give me and my family peace and tranquillity of unspoilt noiseless beauty.

- The proposed entrance is less than 90 metres from my fence entrance too close which will cause danger, severe congestion on a 50 mph bend, pollution and obvious noise and disturbance of revving engines, loading/unloading etc.

- The proposed access road to new developments is totally inconsiderate as it would be virtually on my boundary (within 30-50 metres).

- The show car parking bays would be less than 49 metres from by boundary. This would mean even more extreme case of noise and disturbance and pollution.

- The size of the development being so close to my property would disturb the livestock I have.

2.6 Finally one other letter of objection has been received from a couple residing in Grange over Sands. They consider that:
• It is a totally unsuitable and unwarranted encroachment on a village setting of an already extensive commercial operation.

• It is a misuse of scarce land resources. If the land is available for development it should be used for purposes which would enhance the local community.

• The development would have the effect of increasing traffic on the Lindale/Grange road, especially of car transporters delivering stock.

• When it is agreed by everyone concerned about the environment that individual car usage must be cut would it not be a strange message for LDNPA to send out if they were to actively encourage it by approving this application.

• Perhaps this application was in the pipeline before the present economic situation became apparent. Within a very short time however the sale of cars has dropped dramatically and the future viability of such businesses may be in doubt. If this trend does continue in the future there would be a real danger of the area being left in unsightly dereliction.

3 POLICY AND ASSESSMENT

3.1 The following saved policies of the Lake District National Park Local Plan are relevant to consideration of the application:

• NE1 (Development in the open countryside)
• NE2 (Development of larger settlements)
• E1 (Existing employment sites)
• E4 (Land allocated for business (B1) and General Industrial (B2) Development)
• E5 (New employment premises)
• R7 (Shops in the open countryside)

3.2 The following Regional Spatial Strategy (RSS) policy is relevant to the determination of the application:

• RDF2 (Rural Areas)

3.3 The following Planning Policy Statements (PPSs) give expression to national government planning policy relevant to this application:

• PPS 1: Delivering Sustainable Development
• PPS 7: Sustainable Development in Rural Areas

Is the proposal contrary to the development plan in principle?

3.4 The site lies around 450 metres outside the development boundary of Lindale, which is designated as a larger settlement in the Local Plan. Policy NE2 requires that development of the larger settlements will be contained
within the development boundary shown in the Local Plan. Policy NE1 of the Local Plan permits development in such locations only where it would be closely integrated with existing uses or be in accord with policies in the Structure and Local Plan to meet the social and economic needs of local communities and to protect and enhance the scenic beauty, natural resources and quality of the built environment.

3.5 Because of the application site's position it is clearly contrary to Policy NE2. With regard to Policy NE1 the applicants have argued that it is in accord with this policy because it is closely integrated with existing uses. However, the most recent use of the land in question is for agricultural purposes. The mere proximity of an existing use does not transfer that use to all adjoining land, particularly when as in this case the proposal is not for the extension of the existing business, but is a relocation of a separate franchise which will be served by its own access and could be operated independently from the adjoining business. I am not satisfied that this is closely integrated in the terms envisaged by policy.

3.6 With regard to whether the proposal is supported by other development plan policies, premises dealing with the retalling of motor vehicles are *suis generis* uses that do not fall under any specific planning Use Class. It is fair to say that as a result many development plans do not specifically deal with them. For example, the Lake District National Park Local Plan employment policies refer only to the Business Use Classes (B1, B2 & B8) and retail policies covers A1, A2 & A3 Uses. It is worth noting however that Policy R7 of the Local Plan specifically states that retail development in the open countryside will not normally be permitted. With regard to employment policies, Policy E1 permits the development and expansion of employment sites (B1 & B2) subject to a number of criteria. Policy E4 allows employment development on allocated sites, and Policy E5 permits employment on unallocated sites within larger settlements and villages provided that certain criteria are met. In my view none of these policies would support the proposed development and consequently the proposal is in conflict with Policy NE1.

3.7 Policy RDF2 of the RSS sets out the criteria where exceptions to the usual policy of restricting development in the open countryside may be made. These exceptions are where development:

- Has an essential requirement for a rural location;
- Is needed to sustain an existing business;
- Provides for exceptional needs for affordable housing;
- Is an extension of an existing building; or
- Involves the appropriate change of use of an existing building.

In this instance none of the exceptions apply.

3.8 I conclude therefore that the proposal is contrary to the development plan in principle:

*Would the development cause landscape harm?*
3.9 Policy NE1 requires that in all cases, development should not conflict with the enjoyment of the special qualities of the National Park; should respect the character of the area in which it is proposed; and not cause demonstrable harm to landscape, nature conservation interests or cultural heritage.

3.10 The FLD regard the proposal as being harmful to the landscape for the reasons set out in paragraphs 2.1-2.3 above. However the Authority’s landscape architect has commented on the proposal as follows:

In our landscape character assessment the site lies just within the boundary of the Coastal Margins landscape character type (LCT) bordering the Coastal Limestone type. This is immediately evident on site as on the macro scale it is located at the break of slope where the limestone escarpment erupts from the coastal plain. The key characteristics of the Coastal Margins LCT is the flat, low lying, expansive character of the land with wide and distant views and a relative lack of built development. As a consequence of this the area generally has a strong sense of tranquility.

[As the site is] Sandwiched between the A590 dual carriageway and the busy B5277 in an area where development is more prevalent than elsewhere in the type, the site possesses few of the characteristics which define either LCT and I consider that the sensitive development of this site will have no adverse landscape impact.

3.11 The proposed buildings would be likely to be visible from Kendal Road when travelling westwards, but would not be prominent because they would be substantially shielded by the proposed landscaping and would be seen against the background of the Lindale bypass as it rises towards High Newton. I consider that the impact would be similar to that of the existing showroom buildings, and that consequently landscape harm would be limited. The appearance of the proposed buildings is a reserved matter which could be controlled at a later stage, but something similar to that already on the adjacent site would not be inappropriate. The choice of materials for external finishes would be subject to control also.

3.12 The proposed mounding would be an alien feature in the landscape, and it is rarely acceptable to attempt to screen a building by undertaking large-scale earth moving operations. However the ground profiles in the vicinity have already been significantly altered by the creation of the Lindale bypass and the existing mounds surrounding the existing showrooms. The extensive car parking would be largely shielded from public view by the proposed landscaping, and by the existing lie of the land.

3.13 I consider that the introduction of the access road could have an adverse affect however. It would result in a recognisably urban feature, and its impact will be exacerbated by the need to provide lengthy visibility splays on either side of the access. A considerable length of hedgerow would have to be removed to provide these. Although a replacement would be replanted the new position would be set back from the road leaving a grassed margin adjacent to Kendal Road. At present this road is framed by hedgerows to either side which run parallel and close to the carriageway. If permission were
to be granted there would be an inevitable requirement to provide signage for the business which would be difficult to resist.

3.14 In short it is my view that there would be localised harm to the landscape, but no significant harm to the landscape character of the area.

Would the development be harmful to nature conservation or cultural heritage interests?

3.15 There are no apparent cultural heritage interests in the vicinity which could be harmed by the development. There are however a number of records of badgers in the vicinity of the site, and although there is no evidence of setts on the application site, there is some evidence of a trail running from the wooded flank of the bypass, across the application site to land beyond. I have asked the applicants to investigate and provide further information on this matter. They have agreed to do so but at the time of writing no further information has been received.

Would the development result in an unacceptable impact on the amenity of the occupier of The Hawthorns?

3.16 The Hawthorns is an isolated property surrounded on three sides by fields, so I can understand why the objector might be used to isolation and his concerns as the Bateman’s developments edge closer to his house. Particularly as the original layout showed a spur road designed to provide future access to land adjacent to his boundary. I find it hard however to conclude that the development would result in an unacceptable impact on residential amenity given the distance between the site and the house.

Other matters

3.17 At the time of writing we are still awaiting comments from the Highway Authority regarding the revised access proposals. On the face of it however it does not appear that the revised access is likely to be unacceptable.

Are there exceptional circumstances which would justify a departure from development plan policy?

3.18 It is difficult to point out any significant harm to matters of planning interest, other than the obvious one that it would be contrary to policy. This is a not insignificant factor however. PPS7 makes clear that new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled, and that priority should be given to the re-use of previously-developed ('brownfield') sites in preference to the development of greenfield sites. The guidance also makes clear that major developments should not take place in National Parks unless there are exceptional circumstances.

3.19 To permit development in the open countryside without sufficient justification even where there is no significant landscape harm might weaken attempts to safeguard the beauty of the National Park elsewhere where development is proposed. It is also the case that permitting developments which cause only
localised minor harm might contribute to a cumulative deterioration in the quality of the environment. Furthermore Development Plan policies are intended to provide certainty to the public, so that decisions on investment in land and property are based on firm foundations. In this case the owner of The Hawthorns purchased a property in the expectation that planning policy would prevent development nearby (at least for the duration of the plan). For all these reasons, unless exceptional circumstances can be demonstrated then the application should be determined in accordance with the development plan, especially as the proposal would involve the relocation from a town centre position outside the National Park to a Greenfield site within the National Park.

3.20 To attempt to justify why an exception should be made the applicants have provided extensive evidence with regard to the need to be located in the Grange/Lindale area, the lack of suitable alternative sites in this area, and the benefits of relocation away from their current site. I am appending an extract of their planning statement for information (APPENDIX 1). The exceptional circumstances claimed are summarised as follows:

a) The existing premises in Grange are unsuitable due to flood susceptibility, and insufficient size.

b) The existing site is needed to provide a supermarket in Grange.

c) The proposal would increase employment in the area. The current site employs 21 people and this is expected to increase to 33 if the new premises are permitted.

d) Interconnectivity between the Toyota and BMW franchises, means there would be a reduction in vehicle movements as a result of the proximity of the businesses and of overall benefit to the local road network.

e) The area of responsibility for Bateman Toyota extends from Ravenglass down to Barrow-in-Furness in the west, to just above Ambleside in the north, to the east to the M6 corridor, but extending also to Hawes and Giggleswick, and almost down to Galgate in the south. The geographical centre of this area is near to Lindale. Analysis of postcodes shows that on average over 70% of vehicles were sold in the Grange postcode area, which included Lindale. This analysis also provided clear evidence that moving the dealership to the north, to the west or to a location in or about the Kendal area would be highly inappropriate. There are no suitable sites in or near Grange over Sands, or in the South Lakeland area.

f) Whilst Lindale does lie within the National Park it is on its southern periphery and functionally has a close social and economic relationship to Grange over Sands. It is not unreasonable therefore to contemplate the relocation of a business to Lindale given the lack of alternatives.
3.21 Below I have attempted to address the points in the same order as I have set them out.

a) I accept that the existing premises are not up to the standard of a purpose built 21st century showroom. However, the company has been trading on the site for a number of years, and there is no reason they could not continue to do so for a number of years yet, while keeping an eye out for more suitable premises or land to become available.

b) The current application to develop the existing Grange over Sands site has yet to be determined and there is no guarantee that it will be approved. This is a matter for South Lakeland District Council. Even if it were approved I do not consider that it follows that the site in the National Park has to be developed. I recognize the social and economic connection between the National Park and surrounding communities and benefits to these could warrant permission being granted in the National Park but only for development that is acceptable in such an area. As it stands I am not persuaded that this perceived benefit outweighs the harm to policy.

c) There would be an increase in employment as a result of the development and that is a material consideration, particularly in the light of current economic problems. However, such an argument could apply to any employment development in the National Park, so I don’t think this would amount to exceptional circumstances particularly as unemployment rates in the South Lakes area are low, by national or Cumbrian standards. Even in the light of the current national economy the employment proposed is not in my view sufficient to outweigh long established national policy on development in the countryside.

d) There would be a reduction in travel demand between the sites if relocation were permitted. It is harder to quantify what might be the result on the road network however. Simply because Bateman relocate does not mean that traffic movements to and from the existing site would cease. Indeed, if the supermarket is permitted then the likelihood is that traffic movements to and from the site would actually increase. Even if it were not permitted there is no suggestion that the site would cease to be used entirely, and a replacement use or business is likely to still generate traffic.

e) I have no reason to doubt that finding an alternative site in the Grange area is extremely difficult, and there is a shortage of suitable and available land in the South Lakeland area. I can also understand the preference for confining the search to these areas, but the field of search is significantly smaller than the franchise area. The nature of car sales and servicing is such that it would not be unreasonable for customers to drive half an hour or more to a franchise dealing or servicing a particular brand. It may be that some business would be lost from the Grange area if the business moved further afield, but this could be compensated by moving closer to an area with a larger resident population such as Barrow or Lancaster. It is also the case
that both South Lakeland District Council and the National Park Authority are seeking to allocate sites for business purposes in their areas. It would appear to be premature to permit development on an unallocated greenfield site in the National Park when allocations are imminent. In these circumstances I don't think the lack of suitable sites in the immediate vicinity justifies setting aside policy.

f) Although close to one another Lindale and Grange-over-Sands are distinct settlements and Lindale is very much the smaller of the two. I do not therefore think that is reasonable to conclude that Lindale should automatically be the repository of overspill development from Grange. Even if this were the case the application site is located outside Lindale's settlement boundary.

4 CONCLUSION

4.1 Although direct harm caused by the proposal would be limited to localised landscape/visual impact caused by the access and visibility splay, Government policy is clear that developments contrary to development plan policies should be refused unless there are material considerations why policy can be set aside. While acknowledging the difficulties Bateman have in finding an alternative site in their preferred area I do not consider that the reasons are sufficient to justify departing from long established material policy with regard to development in the open countryside and National Parks.

Committee is recommended to:

REFUSE for the following reasons

1. The proposal would involve a major built development on a greenfield site in the open countryside of the National Park and as such would be contrary to Lake District National Park Local Plan Policies NE1 (Development in the Open Countryside) and NE2 (Development of larger settlements). The car showroom is not a use which requires a rural location and fails to meet the exceptional tests for development in the open countryside required by Policy RDF2 of the North West of England Plan Regional Spatial Strategy to 2021, and there is insufficient justification to permit this major development as an exception to those development plan policies.

2. The proposed access and visibility splay would result in an unacceptable change to the character and appearance of the locality by reason of the loss of hedgerows and introductin of a wide verge which would appear incongruous in this rural landscape.
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.
PLANNING STATEMENT

PROPOSED PREMISES AT KENDAL ROAD LINDALE
FOR BATEMANS TOYOTA
Doc ref 281-PS 001

This report has been prepared by Ian Worth, Group Chairman Batemans plc, and Brian Barden, Principal of Barden Planning Consultants.

The Applicant

The applicant is “Batemans TOYOTA” the trading name of Grange Motors Limited.

There are four companies in the group:-

<table>
<thead>
<tr>
<th>Company</th>
<th>Trading Name</th>
<th>Activity</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Batemans Plc</td>
<td>Not applicable</td>
<td>Non trading holding Company</td>
<td>Kendal Road Lindale</td>
</tr>
<tr>
<td>Batemans (North West) Limited</td>
<td>Bateman BMW Bateman Mini</td>
<td>BMW Sales &amp; Servicing &amp; Mini</td>
<td>Kendal Road Lindale</td>
</tr>
<tr>
<td>Grange Motors Limited</td>
<td>Batemans TOYOTA</td>
<td>TOYOTA Sales &amp; Servicing</td>
<td>Station Square Grange-over-Sands and Alnwick Industrial Estate Lindale.</td>
</tr>
<tr>
<td>Wilsons (Lindale) Limited</td>
<td>Not applicable</td>
<td>Non trading subsidiary</td>
<td>Kendal Road Lindale</td>
</tr>
</tbody>
</table>

Group Formation

The above companies were amalgamated in 1992 upon their separation from other Motor Dealerships in Cumbria.

Upon the death of the then Group owner Elizabeth Ruckstuhl (nee Bateman) in 1995 ownership passed to Trustees who still retain control.

Management

Ian Worth FCA is the Group Chairman, Phil Stott is a Director of and Dealer Principal for Bateman BMW and Alan Smith is Director of and Dealer Principal for Batemans TOYOTA.

Activities

As noted above this Group has two trading subsidiaries, details of each are given below.
BATEMAN BMW

From 1965 until 1979 the BMW Franchise activity was conducted at Lindale Corner, Lindale and from 1979 until 2003 the BMW Franchise was operated from premises at Lindale Hill, Lindale.

Planning Consent for a new showroom and workshop on land known as “Shaw's Haulage Yard” at Kendal Road Lindale was granted and purpose built premises were constructed there.

A short time after the purchase of the Shaw's Haulage Yard site when the adjoining land became available for sale it was purchased by Bateman BMW. This comprised land to the east and north, the latter comprising about half the hillside.

The purchase by the BMW Group of the MINI brand required new facilities at Kendal Road Lindale for this new marque. In 2005 planning consent was granted for this adjacent to the BMW premises partly on the former “Shaw's Haulage Yard” site but also extending into the adjacent land.

The new MINI showroom was completed in 2006.

Style of Construction

The directors were very mindful of the sensitivity of the location and its position just within the Lake District National Park.

Accordingly a world renowned architect, who lives in Cumbria, was commissioned to design the facilities to a high quality using stone, Burlington slate and with mounding and planting to screen the buildings and display of vehicles for sale.

It is respectfully submitted that the BMW and MINI buildings are amongst the most attractive of motor dealerships to be found anywhere in Britain.

It will further be recognised that the mounding and planting have been carried out to a high standard such that the visual impact is minimised.

The building has hosted a visit by members of the Authority in order to allow them the opportunity to inspect how a high quality design properly executed can be a positive compliment to the landscape.

The proposals for the new TOYOTA facility have been designed by the same architect and to the same criteria as for BMW.
The former premises at Lindale Hill, Lindale

When the Planning Application was being made for the BMW facility at Kendal Road the Company were aware that the Parish Council, reflecting the views of local people, were concerned about the future use of the premises on Lindale Hill which would be vacated.

Although not required by the Lake District Special Planning Board, the Company nevertheless executed a S106 Unilateral Undertaking in which the former premises were prohibited from being used for Motor Vehicle Retail use into the future.

For a period of several months immediately after vacation by Bateman BMW, and with the consent of the Parish Council, the Lindale Hill premises were used by Batemans TOYOTA as their temporary base whilst the TOYOTA showroom and workshop at Grange-over-Sands were refurbished.

These premises were subsequently sold in 2006 with the condition noted above attaching thereto and are now used for general storage unconnected with the Motor Trade.

Premises for the storage of Motor Vehicles

Motor Car dealerships have a need to store new vehicles when received and whilst they undergo initial checks and preparation ready for the customer.

The Group has used various premises to satisfy this requirement as noted below:-

<table>
<thead>
<tr>
<th>Location</th>
<th>User</th>
<th>Used from</th>
<th>Used to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aina’s Industrial Estate, Lindale</td>
<td>BMW &amp; MINI</td>
<td>1998</td>
<td>November 2006</td>
</tr>
<tr>
<td>“The Bunker” Kendal Road Lindale</td>
<td>BMW &amp; MINI</td>
<td>November 2006</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Former BMW premises Lindale Hill Lindale</td>
<td>TOYOTA</td>
<td>September 2003</td>
<td>June 2004</td>
</tr>
<tr>
<td>Shaw’s Warehouse Lindale Hill, Lindale</td>
<td>TOYOTA</td>
<td>June 2004</td>
<td>March 2007</td>
</tr>
<tr>
<td>Aina’s Industrial Estate, Lindale</td>
<td>TOYOTA</td>
<td>November 2006</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>

NOTE: Dates above are indicative only because there were periods of overlap.

As noted above, at the same time as the MINI premises were constructed in 2006 Bateman BMW also constructed an adjacent building, partly underground with a green sedum roof, as the new vehicle storage facilities for both BMW and MINI thereby hugely decreasing off site vehicle movements.
This application also includes a similar facility adjacent to the proposed TOYOTA showroom and workshop as a replacement for the premises at Alnat Industrial Estate Lindale currently used by TOYOTA.

**BATEMAN TOYOTA**

**The TOYOTA presence in Lindale**

As noted above, Batemans TOYOTA has clear historic links with Lindale.

For a period of several months in 2003 the main activity of the TOYOTA Franchise was conducted at the former BMW premises at Lindale Hill, Lindale and following relocation back to Grange-over-Sands new vehicle storage and preparation continued here.

For over two years from 2004 to 2006 TOYOTA occupied Shaw’s Warehouse on Lindale Hill, Lindale for the storage and preparation of new vehicles.

Since then TOYOTA has occupied premises at Alnat Industrial Estate, Lindale for the storage and preparation of new motor vehicles.

TOYOTA operations have therefore been conducted in Lindale for many years.

**The present TOYOTA Sales Facility at Central Garage, Station Square, Grange-over-Sands**

It is understood there has been a garage on the present site from about 1914.

The present buildings were constructed at various times to various styles and to a standard which could fairly be described as barely adequate.

The site came into the Bateman ownership during 1982. At that time British Leyland vehicles were sold. Since then various Franchises have been held until 1994 when the present TOYOTA Franchise was awarded.

The site itself is at the bottom of Windermere Road and has been subject to flooding on many occasions.

In 2002, following the purchase and demolition of the adjacent property Ivy Cottage which itself flooded on several occasions, Batemans TOYOTA had also constructed a raised deck area in order not only to provide additional parking and display area but also to create additional buffer storage beneath to alleviate local flooding difficulties.
In 2003 the entirety of the showroom and workshop were refurbished to as good a standard as the premises would allow.

Nevertheless it was becoming increasingly apparent that premises constructed on a small site when motor vehicles were in their infancy were becoming unsuitable for modern requirements.

All independently owned Motor Car dealerships are operated subject to a Franchise Agreement granted by the vehicle manufacturer. All vehicle manufacturers set out in precise detail the standards they expect Franchises to adopt and apply onerous checking procedures to ensure compliance.

It would be fair to indicate that TOYOTA GB (the Franchisors) have tolerated the present premises at Station Square in Grange-over-Sands but they, as we, recognise that they will fall far short of the improving standards over the coming years.

Put simply, the Directors have been aware that TOYOTA GB would be unlikely to allow the Franchise to continue indefinitely at the present site.

For completeness comment is necessary on the closure of the Fuel Facility in March 2006. A detailed press release was provided at the time and whose content was and is entirely accurate.

Put simply, in common with many other smaller Petrol stations throughout the UK the existing fuel supply contract came to an end and Shell would not renew. No other Fuel Supplier could be located who would provide fuel, even on terms which were barely acceptable. Even if a new supplier had been found the old small tanks needed to be removed and very large new tanks installed to a much greater depth and whose construction would have been well below the water table in a high flood risk area thereby giving rise to major environmental considerations.

The Board agonised over the matter but the decision was effectively forced upon the company by circumstances over which they had no control.

It would be fair to say that the subsequent approach by EH Booth & Co Limited was regarded as timely and welcome.
Bateman BMW & Batemans TOYOTA

The group understands that it is one of the largest businesses in the South Lakes area.

Bateman BMW employed 28 people when located at Lindale Hill but now employs 55 people at Kendal Road Lindale.

Batemans TOYOTA currently employs 21 people and expect this to increase by 12 to 33 if relocation to Kendal Road Lindale is permitted.

The great majority of our people are well trained and highly skilled with the consequence that they enjoy high levels of remuneration of clear benefit to the area.

As a group we try hard to be good neighbours to the community which we serve and actively support many local charitable, cultural, social and sporting organisations across the South Lakes area.

In all our dealings both Bateman BMW and Batemans TOYOTA have high standards of probity and integrity in what we do. This positive ethos reflects in customer satisfaction surveys conducted by the manufacturers where Bateman BMW has been rated 1st or 2nd across the UK on many occasions.

Relocation

As noted above the approach by EH Booth & Co Limited was considered as timely and it has caused Batemans TOYOTA to accelerate considerations about relocation.

It would be fair to say that Batemans TOYOTA regard the Kendal Road Lindale site as ideal for a various reasons which are outlined below.

Proximity to Bateman BMW

The proposed site is already owned and the general site conditions and services are already known.

As noted above these two businesses comprise the entirety of Batemans Plc. It is self evident that there is a high interconnectivity between these two businesses and many shared facilities and functions.

In summary these may be classified as below:
1. Most high level administration and finance functions for each dealership (which is considerable) are undertaken by the same senior people.

2. Deliveries of parts and other services off site are coordinated between dealerships.

3. Marketing and other promotional developments.

4. "Smart Repairs" (the resolution of minor bodywork repairs) are undertaken for both dealerships at Kendal Road Lindale.

Because the facilities at Bateman BMW are larger, this has become the base for the coordination of the above aspects such that Batemans TOYOTA already has a considerable presence at Kendal Road Lindale.

There is additionally a series of advantages which would be secured by the location of both operations next to each other not least of which will be a reduction in vehicle movements between Kendal Road / Alnab Industrial Estate / Grange-over-Sands as noted in the appendices.

**Indicative Centre of Operations**

Of crucial importance to any business are the customers it serves. Location is a critical factor in the efficiency and effectiveness of that service and in this respect the location of customers is significant.

Attached to this submission is a schedule showing the location of customers according to postcode taken from Batemans TOYOTA records as at August 2008 and analysed by Toyota GB.

It may be worthwhile to note that Toyota GB undertake assessments by reference to the "Market Penetration" by postcode as a measure of the effectiveness of a dealership across their entire area of responsibility.

It is recognised that each dealership's area of responsibility will have special characteristics arising because of the centres of population, the road network and the topography of the region.

The "area of responsibility" for Batemans TOYOTA is shown on the accompanying maps.

In summary it extends from the coast at Ravenglass, down to Barrow in Furness in the west, to just above Ambleside in the North, to the East to the M6 corridor but extending also to Hawes and Giggleswick and almost down to Galgate in the South.
Whilst the presence of Morecambe Bay distorts any assessment of the strict geographical centre of this area of responsibility the centre as shown on the enclosed map can fairly be shown to be about one mile east of Lindale.

The area of responsibility of Batemans Toyota is characterised particularly by Morecambe Bay to the South West and the relative low population density of the area having only a few centres with significant population levels.

Because of this the area of responsibility of Batemans Toyota covers a very large area in comparison with those dealerships that are located in metropolitan areas of high population.

There is attached to this submission an analysis and summarised spatial analysis of the geographical location of customers over the last four years. (See Appendices 1a to 1f)

Analysis of vehicle sales by postcodes shows that on average over 70% of vehicles were sold in the LA11 Grange postcode area, which includes Lindale, with 5% or 6% in the Lancaster/Morecambe area, 7% or 8% in the Milnthorpe area, 4% in the Ulverston area, and 5% to 8% in the Greater Barrow area.

Whilst clearly a simplified approach, it can easily be seen that Grange-over-Sands is an ideal location from which to properly service the area of responsibility.

Evaluation of the relative percentages shows that the true centre lies slightly to the south west of Grange-over-Sands, but this is a location which is clearly impossible because it lies within Morecambe Bay itself.

The nearest practical location as the centre of operations therefore falls to be located slightly to the east of Grange-over-Sands reflecting the larger southern component of the customer analysis.

This analysis also provides clear evidence that moving the dealership to the North, to the West or to a location in or about the Kendal area would be highly inappropriate.

The other Toyota Dealerships within the Region are in Carlisle to the North, Workington to the West and Blackpool and Preston to the South.
The Proposed Site at Kendal Road Lindale

It is fully recognised that the proposed site is within the National Park and that special planning considerations apply.

There are however several observations which can fairly be made regarding the site.

1. Attempts have been made to rent out the land for agricultural use but the poor quality of the soil, the unevenness of the terrain has meant that no local farmer now wants to use the land.

2. It appears that spoil and other material excavated during the construction of the By-pass was deposited on this site and this caused the degradation of the site.

3. Whilst in the National Park the site is bounded on one side by the A590 a fast dual carriageway.

4. There are three immediate neighbours. One is Bateman BMW. The second is a pumping station and the third is a local resident Mr Dickson. Before making the proposals public discussions were held with Mr Dickson and who has indicated that he does not intend to object.

5. The site is bounded to the rear by a steep tree lined bank up to the dual carriageway.

6. There is sufficient space within the site to create tree lined mounds at the front similar to those screening Bateman BMW so as to screen the proposed new buildings on all sides.

7. The site provides quick access to the A590 and adjoining road network.

8. Consent was previously given for the MINI Showroom and the “bunker” on part of the subject site, which when properly mounded and planted has not caused any loss of amenity.

9. Whilst Lindale does lie within the Lake District National Park it is on its southern periphery and functionally has a close social and economic relationship to Grange-over-Sands which is identified in planning policy as a Key Settlement. It is not unreasonable therefore to contemplate the relocation of a business currently sited in Grange to the nearby settlement of Lindale, given the lack of alternatives as set out below.
Car Transporter considerations

There are in the region of 600 Toyota car transporter movements per year (300 vehicle visits). At present the Toyota car transporter discharges vehicles at the Alnat Industrial Estate Lindale which means that the car transporter needs to negotiate the Lindale roundabout and the tight access to the Alnat Industrial Estate Lindale. It does not at present have to enter Grange-over-Sands.

It will be appreciated that the Alnat Industrial Estate Lindale is a convenient midpoint for both Bateman BMW at Kendal Road Lindale and for Batemans TOYOTA at Grange-over-Sands.

Relocation of Batemans Toyota to the south beyond Grange-over-Sands would mean that the car transporter would have to negotiate further restrictions namely (a) low trees between Lindale and Grange-over-Sands (b) the roundabout at Station Square (c) restricted road with along Main Street and The Esplanade and (d) restricted road width at various points along the road towards Allithwaite.

Other Traffic Movement considerations

Attached to this submission is an appendix in which the present traffic movements to and from Grange-over-Sands are shown because of the separate vehicle storage and preparation facility.

Alternative Sites

The Directors of Batemans, advised by Barden Planning Consultants, have been well aware that, notwithstanding their own preference for the Kendal Road site in Lindale and its availability, they need to be able to demonstrate that there are not other suitable locations available within the Grange-over-Sands/Lindale area, and indeed over a wider geographic area within the overall catchment of the Toyota franchise.

In order to do this, the Directors themselves looked at all sites that they felt might be suitable or available, they approached local estate agents, and Barden Planning Consultants looked at adopted planning policy documents and allocations, employment land availability surveys, and the locality generally, to see whether there were any other possibilities.

In carrying out these investigations, all were aware that the site had to be sufficient to allow a proper and complete relocation and that this involved a site of no less than one acre, ideally with additional land to allow for appropriate landscaping and screening.

A second requirement was that the location should be close to the major road network in order to facilitate traffic movements to and from the site without causing problems to local residents,
and that the roads serving the site should be of sufficient width to allow access by large car transporters.

Finally, the location of the site needed to be within an appropriate location to serve the franchise as established by Toyota GB in earlier sections of this report.

**Initial Desk top observations**

The search for an alternative site began as a desk top exercise, the area being very well known to the Directors.

**Relocation to the south west of Grange-over-Sands**

The present facility at Station Garage is located at the north eastern side of Grange-over-Sands.

This means that customers to the south west already have to travel through Grange in order to reach the dealership but a new site to the south west would mean that this through traffic could cease.

Relocation to a new site to the south west of Grange-over-Sands does however mean that additional traffic would be created in the centre of Grange-over-Sands as customers to the East, South and North would then be required to travel through Grange-over-Sands to the new site.

Comparison of customer numbers identifies that there would not be a full offset and traffic through Grange-over-Sands would be considerably increased by relocation to the south west.

As noted above a site to the south west of Grange-over-Sands would require the large car transporter vehicles to pass through the centre of Grange-over-Sands.

Taken together it was determined that a location further to the south west was highly undesirable, but nevertheless a search was conducted in this area.

**Relocation in or around Grange and Lindale**

These areas were examined intensively because this is the preferred and obvious area for relocation.
Relocations to the South of Grange

The curving coastline means that locations to the directly to the south cannot be considered.

Locations further south such as Milnthorpe were so far away from the centre of the area of responsibility such that even if TOYOTA GB were persuaded to accept such a location servicing customers from Barrow and beyond becomes impractical.

Locations to the North West and West

The only practical locations would be on the A590 Lindale to Backbarrow corridor. Locations further north are clearly inappropriate and they are predominantly rural in character.

Ulverston, one of South Lakeland’s Key Settlements, is considered to be too far removed from the centre of the Toyota catchment area.

Locations to the North East

Possible locations in this direction would lie on the A590 Lindale to Sedgwick, the A6 towards Kendal or the greater Kendal area.

Notwithstanding that the spatial analysis of customers identifies that locations in this area are undesirable this area was examined further.

Enquiries of Agents

A schedule is attached on the names and addresses of all the Estate Agents with whom contact was made in August 2008 to enquire about suitable sites.

This same exercise was repeated in October 2008 and a copy of their responses is attached and from which it will be noted that no sites are being put forward.

Careful watch has also been made of the Local Press but no suitable possibilities have been noted.

Extensive driving about the area

In addition to the above, Alan Smith and Ian Worth, Directors of Batemans, and Brian Barden, have all driven around the areas identified in order to identify any possible sites, whether or not for sale.
Enquiries of the SLDC and LDNPA

Enquiries were also made of the above to consider sites where planning consent for commercial and industrial development existed. No such sites were identified. Similarly, Local Plan documents and industrial land availability surveys were consulted, again with no sites being identified.

Findings of the search exercise

(a) Around Grange

The South Lakeland Local Plan makes no provision at all for commercial sites other than those which are described as employment sites and are intended to accommodate those uses falling within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order. There are thus no allocated sites in Grange that would accommodate a motor vehicle sales and servicing enterprise.

Setting aside the distinction between commercial uses and industrial uses, the Local Plan allocated two sites for employment purposes. The first of these has already been redeveloped for housing purposes and is clearly no longer available. The second is the old refuse site to the west of Allithwaite road towards the southern end of the town. It is a large site (1.1 ha), said by the Local Plan to be suitable for B1 and B2 uses, but it is constrained significantly by inadequate access. In a report undertaken towards the end of 2005 to assess industrial land availability to inform the emerging Local Development Framework, the land was categorised as being of low quality, unavailable for at least five years, and having serious issues or constraints. From local knowledge we are aware that access to this site in practical terms is simply not available for any significant use.

The Local Plan also identified a site in Moor Lane, Flookburgh, for employment purposes and this site had previously been allocated in the earlier Local Plan. The recent report on site availability categorises this site as low quality and again puts it into the category of being unavailable for at least five years or having serious issues and constraints attaching to it.

In fact it is simply unsuitable for the motor sales and service use being sought and it is particularly difficult in terms of access which means that vehicles would have to travel not only through Grange but also through Flookburgh itself with its narrow roads and a difficult junction in the square. When the bottling plant for Willow Water, also on Moor Lane, was granted planning permission some years ago there were significant concerns about access and
suggestions were made that vehicles would need to come in along the Holker mosses rather than through Grange, Allithwaite and Flookburgh.

In the absence of any identified sites the Directors of the Company and Barden Planning Consultants have looked at the town and the surrounding villages to see whether there are any other possibilities. In short, there are not, though it is necessary to deal with the Berners Close car park site which is currently the subject of redevelopment proposals in association with a brief prepared by South Lakeland District Council. That brief does not include development of the motor vehicle type as a possibility and it is understood that the Council do not have a preferred bidder who will be moving forward a redevelopment scheme for the whole of the land.

In terms of Grange itself therefore there are no alternative sites available.

(b) Land between Grange-over-Sands and Lindale

The land between Grange-over-Sands and Lindale is very flat and open to flooding to the east of the B road, and very steep and attractive, largely forming limestone pavement areas and also part of a conservation area on the west. There are no sites available at all along that road.

There is another link from Grange to Lindale via Windermere Road. Again, this road runs through the conservation area and there are no realistic possibilities of developing a greenfield site along that road because of landscape quality and also because access is not good for a commercial operation such as this.

(c) Lindale Village

There are no possible sites at all within the settlement limit as identified in the Local Development Framework, nor is there any spare land in the Alnat Business Park which is to the south side of the village but outside the village limit. There is a piece of open land between that site and the village itself but it is in part prone to flooding and it is also very significant as the setting of the village and even if it were available to the applicants it would certainly be regarded as unsuitable in planning terms.

(d) The A590 corridor from Backbarrow to the A6.

The idea that a motor franchise would be able to relocate onto a trunk road which runs through open countryside is difficult to contemplate in planning policy terms. However, there are existing commercial sites, mainly associated with motor cars and petrol stations along that
road. The site at Newby Bridge Service Station is not available and would not be big enough to accommodate the development required alongside the existing petrol and other service facility. There are similar sites at Greystones on either side of the road but both are small and unable to accommodate the development even if it were regarded as acceptable in planning terms. Finally there is P V Dobson at Gilpin Bridge, competitor in the motor dealership business, and again sitting on a site which is barely adequate for its existing function and has recently had to expand across the road to provide further parking and service facilities. It is certainly not available given its existing use by another dealer.

(e) Kendal

The lack of availability of commercial sites for industrial or other development in Kendal has been well documented over a period of more than 10 years and the Local Development Framework Core Development Strategy recognises the problems and seeks to find alternative locations, but none as yet is available. There are existing small sites on various industrial estates, none of which is suitable or large enough to accommodate what is required, notwithstanding that Kendal is not regarded as an appropriate location to deal with the geographic spread of the existing Toyota franchise. The spread of that franchise from Barrow to the west round to Lancaster and points south of Lancaster and across further to the east away from Kendal does mean that Kendal is not an appropriate choice though in any case there are no sites available.

(f) General and non specific enquiries

Those involved, being aware of the need, have looked at the area in its widest possible interpretation, to consider whether there are any other possibilities which might be suitable irrespective of whether planning consent could be achieved. No such suitable sites have been identified and the Lindale option seems to be the only one available. This conclusion is not in any way surprising as the exercise to an extent was undertaken in respect of the BMW franchise some years ago and similar considerations have applied to the Hadwins Audi and VW franchises in Lindale.

In addition to difficulties associated with motor vehicles, Barden Planning Consultants has been aware on a wider basis of the difficulty associated with finding sites for any industrial or similar commercial enterprises in the South Lakeland area in general and in the Lake District National Park in particular. Some clients have been looking for sites for in excess of 10 years without any real success.
Application no: 7/2008/5666
Applicant: Mr T Hurst
Date of Application: 8 December 2008
Type of Application: Full
Location: Glendene, Crook Road, Kendal, LA8 8LY
Grid Reference: 349137 494785  See Plan
Proposal: Demolition of a bungalow to provide new dwelling (resubmission)

District Council:
Parish Council: Refuse – see report
Highway Authority:

RECOMMENDATION: APPROVE with conditions

REPORT:

1  BACKGROUND & PROPOSAL

1.1 I am reporting this application to committee as my recommendation is contrary to the views of Burneside Parish Council.

1.2 Glendene is a modest bungalow situated adjacent to the B5284 between Kendal and Crook. The existing bungalow was built in around 1920 and is finished in render under a synthetic tile roof. There are rendered chimneys towards each end of the roof ridge. The existing bungalow’s footprint is 10.8m north to south and (when the later extensions are included) over 14m wide at its widest point east to west. The existing eastern elevation (facing the neighbouring property known as Benson Brow) has no windows, although there is a lean-to with a glazed roof at the northern end of the elevation. The existing southern elevation is hidden from public view by the form of the land surrounding the site, whilst the northern elevation is screened from the road by boundary planting. The western elevation can be seen in a long sweeping view from the road. At present the western elevation features a substantial conservatory extension.

1.3 This application seeks permission to demolish the existing bungalow and replace it with a two storey dwellinghouse. The proposed dwelling would extend the footprint of the existing dwelling (from 137 square metres to 144 square metres). The proposed dwelling would be L shaped in plan, with two gabled sections and the widest part to the rear (south) of the site. I will display details at the meeting and a site plan showing the footprint of the existing and proposed dwelling is attached as APPENDIX 1. A Westmorland slate roof, walls finished in render and timber windows and doors are proposed. The result is a design that is generally traditional in form with more contemporary elements largely the expanse of glazing to take advantage of the views.
1.4 This application follows the withdrawal of a previous application (7/2008/5456), which we indicated was likely to be refused. Discussions took place which resulted in this revised submission.

2 CONSULTATIONS & REPRESENTATIONS

2.1 Burneside Parish Council recommends refusal of the application "due to the size of the proposed development, making it extremely visible at the top of the hill."

2.2 The application was also advertised by site notice. One letter of representation was received from a nearby property stating that "the erection of a two storey house is not in keeping with the existing local properties, all of which are bungalows". It was also stated that "the view (from the objector's home) to the west will be obstructed by the increased roof height of a house".

3 POLICY & ASSESSMENT

3.1 The main issues are the appearance of this new building in the landscape and impact on the amenity of the occupants of the adjacent bungalow. The following policies are most relevant to the context for the decision:

North West of England Plan: Regional Spatial Strategy to 2021:
- DP7 (promote environmental quality)

Lake District National Park Local Plan saved policies:
- NE1 (development in the open countryside)
- BE1 (roof and wall materials).

3.2 Local Plan Policy H9 specifically addresses the replacement of sub-standard dwellings. It was not envisaged when the policy was adopted (1996) that it would be proposed to replace adequate dwellings. We receive a number of such applications, Policy H9 is not applicable and they must be determined on their merits. However, the principles behind Policy H9 are likely to be relevant material considerations, in particular that siting and increase in size avoid harm to the character and appearance of the landscape.

Would the increase in size and proposed design of the house be acceptable in this location?

3.3 The dwelling proposed would increase the built footprint on the site by 7m² and the height by 1.4m. the resulting two storey house would be more prominent, whether this would be acceptable requires an assessment of the design in this context, particularly given the increase in apparent mass and the proportion of wall to roof.

3.4 This is an elevated site within which the existing bungalow sits in a modest and unassuming manner. The larger property as proposed would be more of a feature within the landscape unlike the existing bungalow which nests comfortably within its site and consequently, into the background. The key view of the site is from the west on the B5284. The site sits above gently
sloping pasture which draws the eye upwards towards the plot. From this western vantage the site has no built context (neighbouring buildings being hidden behind). This allows some flexibility to develop a larger building but also requires a quality of design given that this will be the prominent built form in a pastoral scene.

3.5 The proposed design seeks to offer a building characteristic of many in this area, with rendered walls under a Westmorland green slate roof. The form of the building presents two gables to the highway, tied by the central body of the building. Properties of this form can be seen elsewhere in this area with traditional materials and forms, although with its fenestration for example the proposal is undoubtedly a modern building.

3.6 The proposed development is a significantly larger building than that currently in place. This scheme is in my view satisfactory, with a scale that whilst larger than the existing building can be accommodated within the context – although it must be recognised that this will not be a recessive background building as the existing bungalow is, but rather a feature adjacent to the highway. The use of traditional materials and forms is an acceptable approach to take and, subject to conditions to ensure a suitable level of finish (such as a diminishing course roof) can be considered satisfactory.

3.7 Having found that the overall size and form of the new building would be acceptable it is fair to say that although parts of the building would not be at all prominent in public views the north western corner would be. This is the design focus of the building and significant glazing takes advantage of the view. There will be differing opinions on the success or otherwise of the integration of this functional glazing into the overall traditional design form. The design emphasizes the glazing as a feature by wrapping it around the corner of the building with a slated lean-to roof on the ground floor. The architect has sought to integrate this feature by the use of vertical emphasis glazing, rendered pillars and the slate roof and the result is acceptable.

Would the proposed development unacceptably affect the amenity of neighbouring properties?

3.8 The property which would be most significantly affected by any development at the site would be neighbouring Benson Brow. The proposed development would be a significant change close to the boundary between the two properties. The existing Glendale garage extends to within 0.4m of the boundary between the two properties, although this is a single storey, near flat-roofed structure. The proposed development would sit two metres from the boundary at its nearest point, presenting a full height gable to the neighbouring property, a significant change.

3.9 Benson Brow however has limited fenestration in its western gable, a small window at the north-western corner and a utility to the rear. There is no real outlook from this elevation. The proposed development will be a significantly more substantial building at the boundary between the two and whilst the proposals have been set slightly further back from the boundary, there will still be a noticeable change. The scale of the development is at the limit that could be considered acceptable in terms of impact on the neighbouring property. In
the absence of fenestration or outlook from the western elevation of Benson Brow the impact will in actuality be more limited, affecting only a driveway area. This side-to-side position is therefore acceptable.

3.10 An objection was received from the occupiers of Cunswick End (the property ‘next-door but-one’). This objection stated that the view from their home would be obstructed by the increased roof height of the proposed development. Whilst there may be some loss of view to towards the fells for the owners of Cunswick End, the proposed development will be located in excess of 50m away. Because of the distance between Glendene and Cunswick End I cannot take a view that the proposed scheme would be overbearing to that property.

Are there any other issues to consider?

3.11 As the demolition of any substantial building can potentially result in the loss of bat habitat, a bat survey was undertaken at the property. The survey found the building to be generally well sealed with no indication of roosting bats found at the site. This was deemed to be a very low risk site and no specific mitigation strategy was considered necessary. I would recommend however that an informative be attached to any notice of approval to make the applicant and contractors mindful that bats may be present around the site.

3.12 At present the application site access onto the B5284 is relatively poor. Planting to the boundary and a lack of turning space within the site, combined with the property’s location on the brow of a hill make egress from the site potentially dangerous at present. The proposed development will incorporate a new larger parking and turning area within the site, whilst the existing boundary wall is to be removed and a new wall constructed a further 800mm back to improve visibility. These measures will allow vehicles to turn within the site and will improve visibility upon egress and accordingly can be considered acceptable.

4 CONCLUSION

4.1 The proposed development would represent a significant change on this site, introducing a larger and more prominent building into the landscape. The proposals are however satisfactory, using traditional materials and forms. Furthermore I do not believe that the scale of the building will be un-neighbourly by reason of its orientation to neighbouring Benson Brow (and the fenestration between the two) and distance of the site from Cunswick End.

4.2 Whilst this scheme then has not surpassed expectations for what could be achieved on this site, I do believe that it is satisfactory and therefore acceptable in planning terms.

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 roof of the building hereby permitted shall be covered in local green slates (that is slates which have been mined or quarried in the National Park). Such slates shall be riven not sawn, and shall be laid in diminishing courses from eaves to ridge.

REASON: To ensure a satisfactory standard of appearance of the development by the use of traditional materials in accordance with Policy BE1 of the Lake District National Park Local Plan.

3. Unless otherwise agreed in writing with the Local Planning Authority, the external walls of the building hereby granted permission shall be completed with a finish of roughcast in which the final coat contains a preparation of fairly coarse aggregate thrown on as a wet mix and left rough.

REASON: To ensure a satisfactory standard of appearance of the development by the use of traditional materials in accordance with Policy BE1 of the Lake District National Park Local Plan.

4. The windows hereby permitted shall be opening casements of timber construction finished in a colour to be agreed in writing with the Local Planning Authority prior to first occupation of the development hereby permitted.

REASON: To safeguard the character and appearance of the building.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no material external alterations or extensions shall be carried out to the dwellinghouse, nor shall any building, enclosure, domestic fuel oil container, pool or hardstanding be constructed within the curtilage of the dwellinghouse, without application to, and the grant of permission by, the Local Planning Authority.

REASON: The application site is prominent, particularly when viewed from the west and as such the Local Planning Authority considers that such development should be subject to formal control to safeguard the amenities of the area.

INFORMATIVE:

Regulation 39 of the Conservation (Natural Habitats, &c) Regulations 1994 makes it an offence to deliberately capture, kill or disturb a member of a European protected species or to damage or destroy the breeding site or resting place of such an animal.
Building contractors should be advised to be aware that bats may be present around the site. If the presence of bats is confirmed or suspected at any time during the course of development then work must cease and further advice must be sought from Natural England as a legal requirement (Tel. 01539 732800 or the bat help line 017687 76911).

Summary of Reasons for Approval

Having regard to the relevant development plan policies, in particular Policy DP7 of the North West of England Plan: Regional Spatial Strategy to 2021, saved Policies NE1 and BE1 of the Lake District National Park Local Plan 1996 and all other material planning considerations, the proposed redevelopment of Giendene is not considered to be detrimental to the landscape and visual amenity of the surrounding area, nor is it considered to be harmful to the amenity of neighbouring and nearby properties.

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.
LAKE DISTRICT NATIONAL PARK AUTHORITY

DEVELOPMENT CONTROL COMMITTEE – WEDNESDAY 4 MARCH 2009

REPORT BY THE HEAD OF DEVELOPMENT MANAGEMENT

PLANNING APPLICATIONS

MATTERS UNDER DELEGATED AUTHORITY (WHITE SHEETS)
DEVELOPMENT CONTROL COMMITTEE – WEDNESDAY 4 MARCH 2009

PLANNING APPLICATIONS APPROVED BY THE HEAD OF DEVELOPMENT MANAGEMENT ACTING UNDER DELEGATED AUTHORITY

If Members wish to raise an issue with any of the following items please contact the Head of Development Management before Committee

ALLERDALE

7/2008/2152
3 Seldom Seen Cottages, Thornthwaite, Keswick, CA12 5SA
First floor extension to provide additional bedroom

7/2008/2227
34, Wordsworth Street, Keswick, CA12 4BZ
Remove existing timber framed windows and door from rear of house and extension and replace with double glazed upvc in similar design

7/2008/2228
Anchorage Guest House, 14 Ambleside Road, Keswick, CA12 4DL
Demolition and replacement of outbuilding to form owners accommodation

7/2008/2238
Castlerigg Hall Camping & Caravan Site, Castlerigg, Keswick, CA12 4TE
Alterations to site layout and creation of new and repositioned hard standings for touring caravans and motorhomes

7/2008/2260
High Snap Farm, Newlands, Keswick, CA12 5TU
Covered midden

7/2008/2261
Green Hill, Bassenthwaite, Keswick, CA12 4QZ
Demolition of existing conservatory and erection of single storey extensions

7/2008/2262
3 New Cottages, Seatoller, Keswick, CA12 5XP
Demolition of existing outhouse, replacing with proposed conservatory

7/2008/2264
Thornly Intake, Thirlmere, Cumbria
Creation of 400m of new track for cyclists, providing a link between 2 existing roads

7/2008/2267
Oakthwaite House, 35, Helvellyn Street, Keswick, Cumbria, CA12 4EP
External alterations to existing garage to facilitate new pitched roof, new door and window openings

7/2008/2269
Blackwood Farm, Braithwaite, Keswick, Cumbria, CA12 5RY
Proposed new field study centre and associated site works
7/2008/2273  
West Mount, Portinscale, Keswick, CA12 5RQ  
Two storey extension to existing dwelling comprising kitchen/living area extension at rear with utility room, wc and external store at ground floor level; improved bedroom and bathroom accommodation at first floor level; utilising existing roof space with gallery level accessible from main bedroom

7/2008/2276  
1, The Court Yard, Hesket Newmarket, Wigton, CA7 8JJ  
Proposed alterations and extension. Extend house over garage to create additional accommodation

7/2008/2278  
Stonethwaite Farm, Borrowdale, Keswick, CA12 5XG  
Proposed new septic tank and reed bed tertiary treatment, new extension to existing toilets to form pot wash facility

7/2008/2279  
43-58, Castlehead Gardens, Keswick, Cumbria, CA12 4DJ  
Install parking posts

7/2008/2282  
Hellvellyn/Mill Gill Confluence, A591, Adjacent Swirls Car Park, Thirlmere, Cumbria  
Construction of new control building, stone access tracks, new access bridge over Mill Gill, flow transfer structure, transfer chamber & channel and new buried scour pipeline

7/2008/2286  
The Long Barn, Redmain, Cockermouth, CA13 0PZ  
Extension of living accommodation into workshop

7/2008/2287  
The Long Barn, Redmain, Cockermouth, CA13 0PZ  
Extension of living accommodation into workshop

7/2008/2290  
High Mill House, High Lorton, Cockermouth, CA13 9UB  
Increase the size of a rooflight

EDEN

7/2008/3077  
Horrock Wood Farm, Watermillock, Penrith, CA11 0JJ  
Two storey extension to dwelling including reposition of boundary fence and the resultant change of use of the field into garden area

7/2008/3087  
The Thorn, Rosgill, Penrith, CA10 2QX  
Extension of the 'Thorn' into an adjacent barn to expand the living accommodation
7/2008/3094  
_Hole House Caravan Park, Pooley Bridge, Penrith, Cumbria, CA10 2NG_
Diversion and undergrounding of several spans of overhead electricity lines

7/2008/3102  
_Askew Rigg, Askew Rigg, Troutbeck, Penrith, CA11 0SZ_
Erection of a steel portal framed building suitable for free range hens

7/2008/3105  
_Stewart Hill Cottage, Hesket Newmarket, Wigton, CA7 8HX_
Extension to provide sun room

7/2008/3106  
_Netherdene, Troutbeck, Penrith, CA11 0SJ_
Extension to form sun room

7/2008/3112  
_Wescooe Farm, Threlkeld, Keswick, CA12 4TB_
Roofing over a yard

7/2008/3117  
_Greenacres, Butterwick, Penrith, CA10 2QQ_
Sun room clad in stone with a slate roof

7/2008/3118  
_Argiva Pooley Bridge Transmitter Station, Roe Head, Pooley Bridge, Cumbria_
Alteration to application number 7/2008/3076, to change the proposed height of the 0.75m VSAT dish from 5m above ground level to 14.7m above ground level due to technical considerations.

7/2009/3001  
_Askham Gate Farm, Askham, Penrith, CA10 2PG_
Storage building

T/2008/0070  
_Parcey House, Hartsop, Penrith, CA11 0NZ_
Reduce branches, raise crowns, thin out various trees

**COPELAND**

7/2008/4057  
_Logan Beck Farm, Duddon Bridge, Broughton-in-furness, LA20 6EU_
Insertion of new window to existing front porch and new back door to garden in Listed farmhouse. Replace external render, plaster internally where required, rewire

7/2008/4083  
_Rose Garth Guest House, Main Street, Ravenglass, Cumbria, CA18 1SQ_
Conversion of coach house to owners accommodation, alterations to guest house and new cycle shed
7/2008/4086
Smithy House, Silcroft, Millom, LA18 5LS
Extension to dwelling, extension to stables and installation of underground lpg tank

7/2008/4087
Hall Carleton Farm, Carleton, Holmrook, CA19 1YX
Demolish roofless barn. Extend general purpose building on south east elevation

SOUTH LAKES

7/2008/5270
Strawberry Gardens, Far Sawrey, Ambleside, LA22 0LR
Replacement jetty 'like for like'

7/2008/5367
80, Craig Walk, Windermere, LA23 2JS
Formation of roof terrace including railings and french doors

7/2008/5410
Lakeshore boathouses, Bellman Landing, Storrs Park, Windermere, Cumbria, LA23 3LH
Engineering works to provide car park including raising of ground levels contained by a retaining wall and construction of staircase to boathouse.

7/2008/5522
Vale House, Spark Bridge, Ulverston, LA12 8BS
Extensions and alterations

7/2008/5527
Mirk Howe, Crosthwaite, Kendal, LA8 8HX
Demolition of 2 previous extensions. Erection of extensions and alterations

7/2008/5561
Clappersgate, Cumbria
Proposed wastewater pumping station with associated control kiosk and access

7/2008/5564
Plumgarths Farm Shop, Lakeland Food Park, Crook Road, Kendal, Cumbria, LA8 8QJ
Proposed extension to B1 business unit to form farm shop and cafe, extension of existing parking area and re-location of LPG storage tanks

7/2008/5585
Lindeth Dock Boathouse, Storrs, Windermere, Cumbria, LA23 3JG
Extension to and repair of existing boathouse including dayroom

7/2008/5591
Apple Pie Eating House and Bakery, Rydal Road, Ambleside, LA22 9AN
Change of use of part first floor and all second floor to staff accommodation
7/2008/5592
Apple Pie Eating House and Bakery, Rydal Road, Ambleside, LA22 9AN
Demolition of existing metal fire escape stairs and reconstruction of new stairs
and wc

7/2008/5595
1 Sunny Brow Cottages, Brow Lane, Staveley, Kendal, LA8 9PH
Replacement of garden shed with summer house

7/2008/5607
School House, Finsthwaite, Ulverston, LA12 8BL
Demolition of existing porch, erection of two storey extension, erection of single
storey extension

7/2008/5608
The Bungalow, Newby Bridge, Ulverston, LA12 8AN
Demolition of existing dwelling and garage, erection of replacement dwelling and
garage

7/2008/5615
The Ghyll, Lindale, Grange-over-sands, Cumbria, LA11 6LX
Tarmac access road from The Ghyll to the Church yard entrance including the
turning bay. Re-surface existing bowling green car park with 'bod pave' panels to
provide a strengthened grassed area

7/2008/5622
Barn, Waterside House, Newby Bridge, Ulverston, LA12 8AN
Conversion of redundant barn for estate office use

7/2008/5628
Langdale & Neighbourhood Industrial Co-operative S, Chapel Stile, Ambleside,
LA22 9JE
Addition of porch above entrance to Co-op shop

7/2008/5629
Applethwaite Hill, Ambleside Road, Windermere, LA23 1NF
Erection of a detached double garage

7/2008/5630
Outrun Nook, Crook, Kendal, LA8 9HS
Proposed single storey link block

7/2008/5632
Sun Hotel, Coniston, LA21 8HQ
Alterations and extensions to toilets, office and bar and construction of footbridge
(deck) to annexe

7/2008/5638
Beckside, Ghyll Head, Bowness-on-windermere, Windermere, LA23 3LX
New conservatory
7/2008/5639
Moorcock Hall, Witherslack, Grange Over Sands, Cumbria, LA11 6SN
First floor bedroom extension. Open vehicle store

7/2008/5641
Windermere Hotel, Kendal Road, Windermere, LA23 1AL
Installation of internal wooden shutters - colour white; installation of internal
wooden blinds - colour white; strip out existing lobby door to gentlemen’s wc
lobby - ground floor and install new door and frame into new opening to
gentlemen’s wc lobby

7/2008/5642
1 Hillside Cottages, Patterdale Road, Troutbeck, Windermere, LA23 1NT
Extension - balcony to sitting room

7/2008/5644
Barn, Waterside House, Newby Bridge, Ulverston, LA12 8AN
Conversion of redundant barn for estate office use

7/2008/5646
Heywood House, Kentmere Road, Staveley, Kendal, LA8 9JF
Extension and external alterations to an existing detached dwelling to provide the
owners with more living accommodation. Proposals include the provision of a
new detached garage in land adjacent to the property

7/2008/5648
Eastbourne Hotel, Biskey Howe Road, Windermere, LA23 2JR
Alterations to owners accommodation

7/2008/5649
9, Keldwyth Park, Troutbeck Bridge, Windermere, LA23 1HG
Demolition of existing terrace to the western side of the existing building and the
erection of new two-storey extension, a new terrace and steps

7/2008/5651
The Peacocks, Outgate, Ambleside, LA22 0NH
Improvements to road access

7/2008/5652
Tynashee, Church Street, Broughton-in-Furness, LA20 6HJ
Side extension and new dormer window

7/2008/5654
The Wordsworth Trust Shop, Dove Cottage, Grasmere, Ambleside, LA22 9SH
Alteration to approved access to first floor retail area in the shop via disabled
open platform hoist and revisions to stepped access

7/2008/5655
Old Hall Farm Cottage, Bouth, Ulverston, Cumbria, LA12 8JA
House extension and alterations
7/2008/5656
Old Hall Farm Cottage, Bouth, Ulverston, Cumbria, LA12 8JA
House extension and alterations

7/2008/5658
Blackbeck Tarn, Neaurn Crag, Foul Step Lane, Loughrigg, Ambleside, LA22 9HG
To allow extended occupancy at Blackbeck Tarn by variation of condition no. 2 of
planning permission L1383/NW1822 to include the period 21 December in any
year to 4 January in the following year in addition to the occupancy period
permitted

7/2008/5659
Anchorage House, Gallow Barrow, Hawkshead, Cumbria, LA22 ONR
Alterations and extensions to include single storey extension, two storey
extension, conservatory extension, new garage and new turning/parking area

7/2008/5660
Burn Knott Bungalow, Bouth, Ulverston, LA12 8JF
Replacement house including demolition of existing rendered block work
bungalow and replacement with timber framed house, separate car port / store.

7/2008/5662
Eltermere Country House Hotel, Elterwater, Ambleside, LA22 9HY
Landscaping improvements within the curtilage of a Listed Building

7/2008/5663
3, St. Marys Park, Windermere, LA23 1AY
New pitched roof over existing garage

7/2008/5665
Cleabarrow, Windermere, LA23 3ND
Removal of existing timber garage and replacement with a garage and potting
shed

7/2008/5667
The Riverside Cottage, Halfway House Estate, Clappersgate, Ambleside,
Cumbria, LA22 9NQ
The use of Riverside Cottage as an independent permanent residence (Use
Class C3) without restriction of occupancy

7/2008/5671
Builders store, Black Beck Lane, Hawkshead, Ambleside, Cumbria
Change of use from builder's store to B1 business use and erect 2 business units

7/2008/5673
Far End, Victoria Road, Windermere, LA23 2DP
Proposed replacement dwelling (resubmission of approval ref 7/2007/5699)

7/2008/5675
Boots The Chemists Ltd, 10 Crescent Road, Windermere, LA23 1EA
1 no. externally illuminated fascia sign, 1 no. non illuminated hanging sign
7/2008/5677
The Rock, Underbarrow, Kendal, LA8 8HJ
Proposed extension to provide additional living area and pottery studio and erection of art studio

7/2008/5682
2, Cheapside, Ambleside, LA22 0AB
Internal and external alterations

7/2008/5684
Plane Tree, Barber Green, Ayside, Grange-over-sands, LA11 6HU
Insertion of four non obscure glazed windows in gable elevation

7/2008/5685
Lucys Grocers, Compston Road, Ambleside, Cumbria, LA22 9DJ
Proposed change of use from Class A1 to a mixed use of A1 and A3 with an area within the existing shop for the consumption of food and drink

7/2008/5687
10, College Road, Windermere, LA23 1BX
Proposed demolition of the existing garage and erection of a replacement with a dayroom over

7/2008/5688
Park Cliffe Caravan & Camping Estate, Birks Road, Windermere, LA23 3PG
Removal of existing building and erection of replacement building, resizing small shed and adjusting fenced area of compound

T/2008/0068
2, Kilns, Holbeck Lane, Troutbeck, Windermere, Cumbria, LA23 1LB
Sycamore 1 - crown thin by 15-20% - clean through & remove dead wood. Very light crown lift over road and garden to balance.

T/2008/0069
6, Gale How Park, Ambleside, LA22 0BW
T15 - birch remove poorest leader, G1 - fell oak at No. 7

T/2008/0072
The Perch, Cleabarrow, Windermere, LA23 3ND
T1 lime & T2 horse chestnut: crown raise over hedge, remove deadwood

T/2008/0073
11, Fairfield, Bowness-on-windermere, Windermere, LA23 3AL
G2 - 1 Ash, 1 Sycamore - to pollard by 25ft

T/2008/0074
Delany, Troutbeck, Windermere, Cumbria, LA23 1LE
Beech (T1) - thin by 20% to allow more light to ground floor room

T/2009/0002
St James's Church, Brow Lane, Staveley, Kendal, Cumbria, LA8 9PA
Prune and remove some trees
PLANNING APPLICATIONS REFUSED BY THE HEAD OF DEVELOPMENT MANAGEMENT ACTING UNDER DELEGATED AUTHORITY

SOUTH LAKES

7/2008/5558
Alloa, Newby Bridge, Ulverston, LA12 8LZ
Change of use of building known as Alloa from residential to conference facilities including extension and alteration of existing building and car parking provision